

HISTORY OF MURDERS COMMITTED IN FAIRBURY, ILLINOIS

by

Dale C. Maley

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History of Murders Committed in Fairbury, Illinois

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Foreword

Fairbury is a small town located in Central Illinois. It is 100 miles south of Chicago and 60 miles east of Peoria. It was founded in 1857 when the railroad first crossed Central Illinois.

Fairbury was a rough town in its early years. Three coal mines operated until the last one closed in 1946. Among the city's other features were a Chinese laundry man who eventually moved to Pontiac, nine barbers, 15 painters, 17 doctors in 1878 and 54 registered houses of prostitution in 1896, plus others outside the city limits.

Every town has its fair share of murders. In Fairbury's almost 160 years of existence, there have been eight recorded murders.

One of these murder cases resulted in two trips to the U.S. Supreme Court. Unfortunately, for the accused murderer, neither of these appeals was successful.

This short story reviews the associated history behind each of these murder cases. This associated history includes the family trees of the victims and the murders.

If you are interested in early Fairbury area history, this short story will help you understand the history behind all of Fairbury's murder cases.

CHAPTER 1

Fairbury

Fairbury is a small town located in Central Illinois. It is 100 miles south of Chicago and 60 miles east of Peoria. It was founded in 1857 when the railroad first crossed Central Illinois.

There are three history books that cover the founding of Fairbury and its early residents.

The first published history book on Livingston County, Illinois, was ***The History of Livingston County, Illinois*** by W.M. LeBaron published in 1878.

The second published history book on Livingston County, Illinois, was ***Portrait and Biographical Album of Livingston County, Illinois*** by Chapman Bros. published in 1888.

The third published history book on Livingston County, Illinois, was ***Historical Encyclopedia of Illinois and History of Livingston County Volume II***. It was published by Bateman and Selby published in 1909.

By 1890, Fairbury was a thriving town. Its population, including the farming areas of Avoca, Indian Grove, and Belle Prairie townships was probably between 5,000 and 10,000 people.

CHAPTER 2

1896 Murder of Ida Mae Steers

The Steers, Darnall, and Travis families were among the early pioneers to settle in the Fairbury area. They primarily settled on the farm land south of Fairbury.

John G. Steers married Mary Ann Travis. They had 11 children. Their youngest child was Ida Mae Steers.



In early May of 1896, Ida Mae Steers was 17 years old. She would turn 18 years old in a couple weeks on her birthday, May 31st. Her father had died three years before, in 1893.

During March and April of 1896, a 26 year-old local boy, Charles Burrell, had tried to court Ida Mae Steers.

As expected, the Fairbury Blade newspaper gave front-page coverage to this murder story. Their May 16th, 1896, front-page story was over 1,300 words long. It took up one and a quarter full vertical columns. The micro-film copy of this Blade at the Dominy Memorial Library is very dark yellow and difficult to read. The author transcribed the entire article from the micro-film to the text below:

A LOVER'S DOUBLE CRIME

A Rejected Suitor Shoots Miss Ida May Steers and Then Commits Suicide

MISS STEERS MAY RECOVER

The Deed Appears to Have Been Deliberate and Premeditated. The Coroner's Jury Think the Act Done in a Fit of Insanity

At latest accounts the condition of Miss Steers remains about the same. The physicians say she has a chance of life, but the wound is a very serious one. She suffers greatly and her life hangs on a very slender thread.

The probably fatal wounding of Miss Ida Steers at the house of John Masterson, in Belle Prairie township, last Wednesday morning by a bullet from a revolver in the hands of Charles Burrell, a rejected lover, and the immediate suicide of the assailant, was a tragedy so startling in its suddenness, so bloody in its details, and so deplorable in all its features, that it could not but occasion the deepest sadness among all who had even the smallest acquaintance with the parties, and the greatest excitement throughout this portion of the state. The act was worthy a mad-man, but was apparently planned and carried out with a deliberation that does not seem consistent with the supposition of insanity, except so far as the desperate acts of an unrestrained and violent temper may be so termed. It was at best a dark and bloody deed and without reason or excuse.

Miss Ida Mae Steers is eighteen years old and lived with her brother, Bert Steers, in Belle Prairie township, at the head of Indian Grove, about seven miles south of Fairbury. She was young in appearance for her age. Charles Burrell was a young man 26 years old and was employed by Mr. Steers on the farm. He had lived in this vicinity all his life, being born, as it is said, in the Arcade block of Fairbury.

His father and mother are living, but divorced. The father is named John Burrell and lives in Missouri, and the mother is Mrs. Edward Rowell, of Fort Madison, Iowa.

These two young people have been keeping company since last March. When Burrell first came into the family in December they had not been acquainted. They went into company a few times together but Miss Steers does not appear to have at any time as a serious one. Burrell's passion appears to have grown rapidly but does not appear to have been encouraged. His attentions finally became distasteful, probably because Miss Steers

thought the affair had gone far enough, and last Sunday when he invited her to take a drive with him, she declined. This appears to have excited him considerably. The next day about noon he obtained another interview with her and proposing marriage earnestly sought to obtain a favorable answer. He urged her to elope with him for that purpose but she resolutely declined his proposals declaring, as one account says, that her people had always been kind to her and she would not treat them so disrespectfully now. He became very much excited and made threats that he would make trouble for her and her family. Monday evening he asked Mr. Steers to get another hand giving as a reason that he had expected to marry Ida, but that she had refused him, and that under the circumstances, he could not stay. After Mr. Steers had gone to Fairbury Tuesday in search of a hand, Burrell said he would rather stay but Mr. Steers told him that as matters stood, he had better quit as he had first desired to and settled with him. The next morning, Wednesday, Burrell helped do the chores and then went to his room and put on his best clothes. He left his trunk and when requested to take it, he said he would not as he never expected to work anymore. He then got in his buggy and drove away.

Meantime, Miss Steers had become uneasy on account of Burrell's threats and had gone to stay with her sister, Mrs. John Masterson, who lives on a farm belonging to M.M. Travis about a mile southeast. She had decided to go on Monday, but the persuasiveness of Mrs. Steers kept her until Tuesday noon. She was evidently afraid of Burrell but her fears were not apparently shared by the family.

Upon leaving the Steers farm, Burrell went east to Henry Darnall's where he was acquainted. He went in and bade the family good-bye, saying he was going away. He said he had some money in the hands of Mapel Bros. at Fairbury and he wished Mr. Darnall to get it after he got settled and send it to him. He probably went from there to Masterson's where he arrived about six o'clock. Ida saw him coming and did not wish to see him.

The house in which the Mastersons live has a north door which enters the parlor and a west door which enters the sitting room. The sitting room occupies the middle of the house. There is a door on the east side of the sitting room and near this is a door leading from the sitting room into the parlor, which occupies the east side of the north end. The west side of the north end is occupied by two bed rooms. When Miss Steers saw Burrell driving up, she told Mrs. Masterson that she did not wish to see him. She went into the parlor which Mr. Masterson was sitting and told him that Burrell was coming and that she did not want to see him.

Mr. Masterson however advised her that it would be better to see him and have a quiet talk with him and maybe he would not bother him anymore. He then stepped out into the sitting room.

Burrell knocked at the west door and was admitted into the sitting room by Mr. Masterson. He said "good morning" and asked if Ida was in the house. Being told she was, he asked to see her. Mrs. Masterson said she was in the parlor and Burrell opened the door and walked in, leaving the door open. Burrell immediately walked to where Ida was standing at the north end of the room. He placed his left hand on her shoulder and asked if she would "go with him". She answered "no sir" with considerable emphasis.

He immediately drew a revolver and placing it almost against her left breast, fired. The ball entered above the heart fracturing the fourth rib. It's further course and where it is lodged is unknown.

Burrell immediately stepped back a few feet, and turning the weapon on himself, pulled the trigger. The ball entered his breast, and he fell to the floor and died in a few minutes. Mrs. Masterson, who was in the sitting room, facing the east door, saw the flash of the first shot indistinctly. Both Mr. and Mrs. Masterson saw the second shot and rushed into the room. Miss Steers screamed and held up both hands, but did not fall, and was supported by Mr. Masterson outside the house, where she was laid on a couch in the open air.

As soon as possible, Dr. Parsons was summoned from Fairbury, to take charge of Miss Steers' care. He has attended constantly every since, Drs. Barnes and Manwaren having also been called to counsel.

Coroner Zimmerman held an inquest during Wednesday forenoon over the body of Burrell. The jury was N.S. Parsons, foreman, M.N. Jones, J.O. Davis, C.H. Westervelt, Phillip Fisher, W.H. Hieronymus. The verdict was that, "deceased came to his death by a pistol shot in his own hands in a fit of insanity." The body was removed to the residence of his aunt Mrs. Jarvil While, three and one-half miles south of town where the funeral was held Thursday, Rev. E.S. Wilson conducted the services.

Burrell's property, a horse and buggy and about \$60 in money, have been turned over to Supervisor Cox.

In the next week's Blade, there were two follow-up stories about this murder.

Fairbury Blade May 23, 1896

Death of Ida Mae Steers

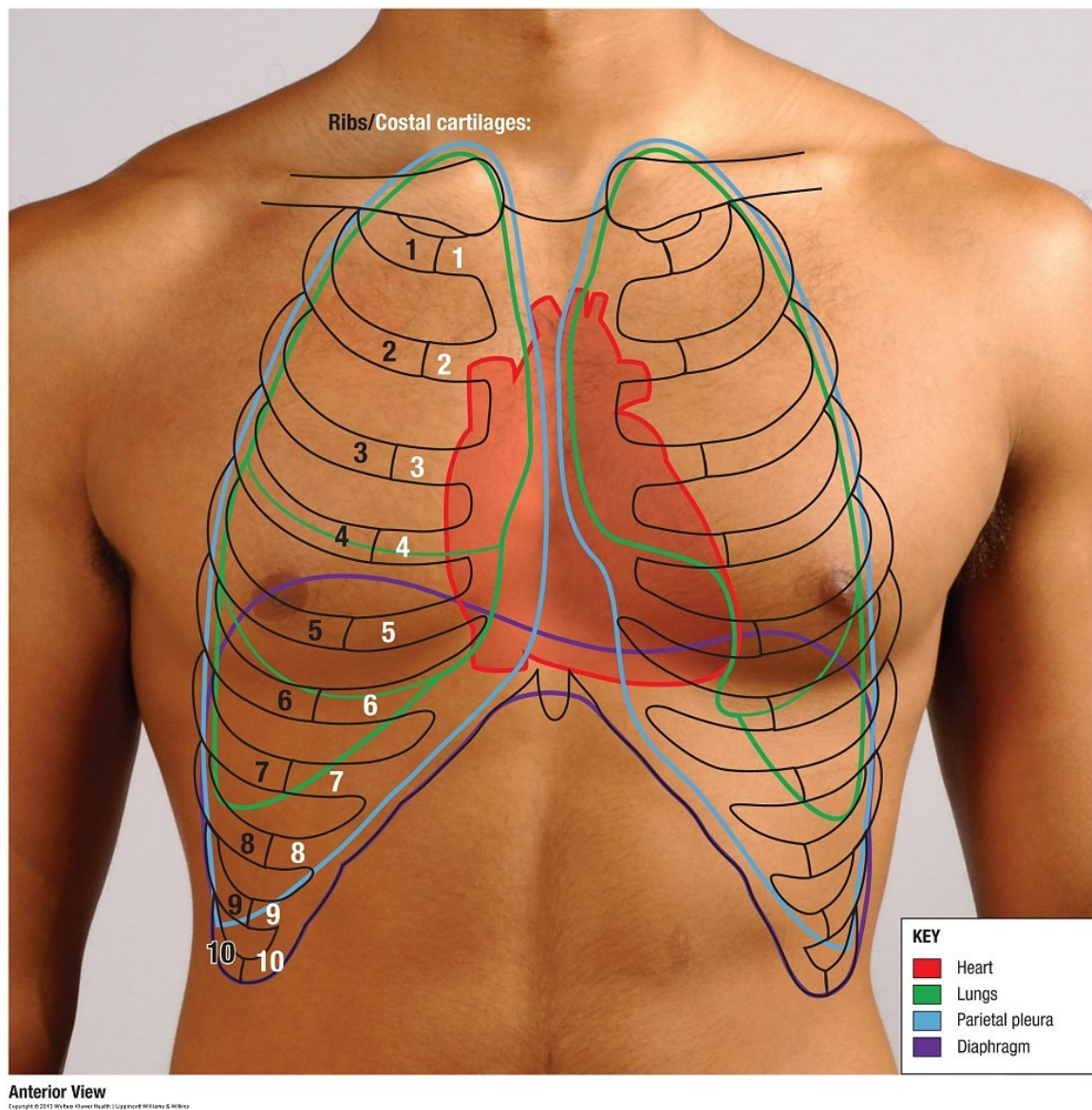
Miss Ida M. Steers died Saturday, May 16, after nearly four days of suffering. The funeral services were held at the Union Church, Monday 11 o'clock being conducted by Elder W.A. Thompson, Springfield, of the Baptist Church. Besides her mother, two brothers, and four sisters, she leaves a host of other relatives and friends to mourn her tragic and untimely death. She was 17 years and 11 months old.

Card of Thanks

We desire to express our most sincere thanks to friends and neighbors for their kind assistance and sympathy in our sad bereavement which is a manifestation of a true Christian spirit.

Mary A. Steers and Family

Ida suffered for a couple of days after Burrell shot her. The bullet shattered her fourth rib, which is close to the heart:



Given the lack of medical knowledge and drugs, there was probably not much the doctors could do for her.

This shocking murder case was covered by many other newspapers. This story was printed on page 3 of the May 21, 1896, Wyoming Post Herald newspaper:

Miss Ida Steers, daughter of Mrs. M. A.; Steers, was shot and mortally wounded, by Charles Burrell, aged 20, who after he had committed the act turned the same weapon towards his breast and killed himself Wednesday morning.

The affair occurred in the farm residence of John Masterson, brother-in-law to Miss Steers, who is 18 years old, in Belle Prairie town--ship, eight miles south of Fairbury.

Burrell had been paying attention to Miss Steers the last two months. Sunday he drove to her residence and asked her to go driving. She informed him she did; not care to go.

On Monday he saw her again, talked with her, and asked her to elope with him. This was refused.

She then became alarmed, and left her own home and went to the Masterson place in order to evade Burrell.

He found out where she was stopping, and with a 38 caliber revolver in his pocket he drove to the place.

After he met her he asked her whether she did not care anything for him, and receiving "No, sir," as a reply, began firing in the presence of the entire family of Mr. Masterson. They were unable to reach the murderer before he killed himself.

The story was also covered in this May 27, 1896 article in the True Republican newspaper:

A Lover's Revenge.

Miss Ida May Steers was shot and probably fatally wounded on the farm of John Masterson at Cropsey by Charles Burrell. Burrell then put a bullet through his own head and died instantly. Miss Steers had refused to marry him. Miss Steers had no chance to recover as the bullet entered just above the heart. Burrell was a farm hand living in the Steers family.

The Decatur Daily Republican newspaper carried a story on May 14, 1896 on this murder story:

LOVE AND BLOOD.

Tragedy Near Fairbury in Livingston County—Suicide of the Assailant.

Fairbury, Ill., May 14.—A terrible tragedy occurred yesterday at the residence of John Masterson, in Belle Prairie township, eight miles south of Fairbury, resulting in the probable death of Ida May Steers, 18 years of age, and the suicide of her assailant. The principal actor was Charles Burrell, 26 years old. Burrell was employed as a hand on the farm of Bert Steers in that neighborhood, and the girl, who is a sister of Mr. Steers, lived in the family. The two had been keeping company since March, but the girl does not appear to have thought of Burrell as a lover, but only as an agreeable companion. Last Sunday she refused to take a drive with him, which appears to have excited him greatly. The next day he obtained an interview with her, and urged her to elope with him and get married.

This she refused to do. He appears to have made some threats which frightened her, and Tuesday she left the place, and went to the home of her sister, Mrs. Masterson, where the tragedy occurred. Burrell gave notice to his employer that he wished to leave, as Ida had refused him. When he started away he declined to take his trunk, saying that he did not expect to work any more. He went to Master-son's, and knocked at the door. He asked for Ida, who had retreated to the parlor, saying she did not wish to see him. He was shown the room, and entering walked to where the girl stood at the other end of the parlor. The door was open, and what took place was plainly seen and heard by the family. Burrell asked Ida something, to which she answered emphatically, "No, sir." Burrell thereupon drew a revolver and fired, the ball entering just below the heart and inflicting injuries that the doctors say must prove fatal. He retreated a few steps, and without uttering a word fired the revolver at himself, the ball entering the breast, causing death in a few minutes.

The Bloomington Pantagraph also carried a story on May 18th, 1896, of Ida Mae Steer's passing:

BURRILL'S VICTIM DEAD.

**Miss Ida May Steers Dies From the
Dastard Lover's Bullet.**

FAIRBURY, May 17.—[Special.]—Ida May Steers, who held to strong hopes of recovering fully from the wounds inflicted by the revolver in the hands of Charles Burrill on Wednesday, passed peacefully from this earthly sphere late yesterday. Her strong constitution, powerful will and excellent care kept her alive as long as she did. The wound inflicted was of such a nature that the physician in attendance had no hopes whatever.

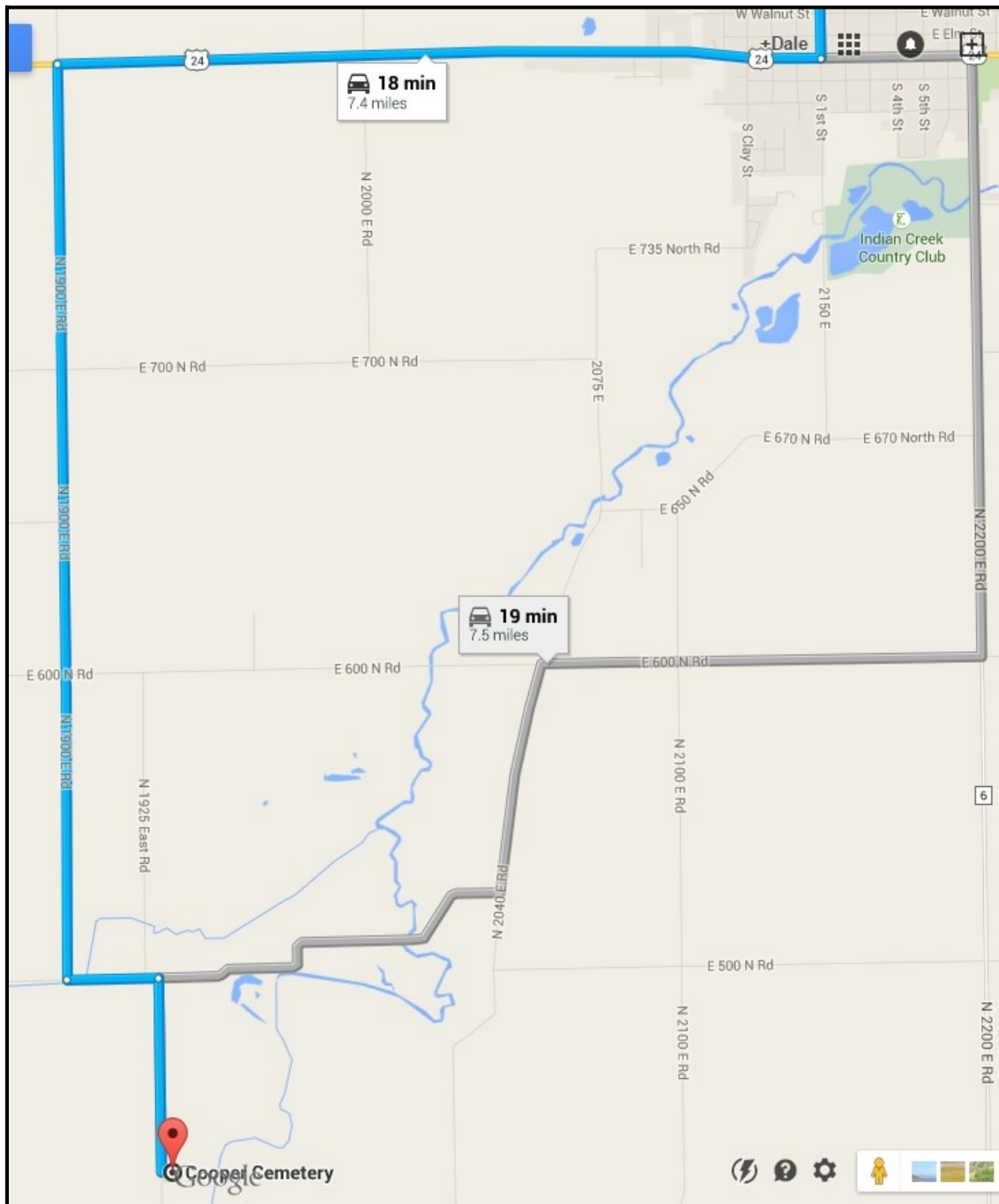
A records search could not find any more information on Charles Burrell. The only other newspaper story about a Charles Burrell appeared in the July 24, 1889, edition of the Bloomington Pantagraph newspaper:

ROW.—*Danville Press.*
—Charles Burrell, who has been living south of Fairbury, went to Pontiac, and while there traded his pony for another. After getting his new acquisition home he became dissatisfied with it, and started for Pontiac again to try to trade back. When within about two miles of that town he became enraged at the beast and procured a heavy club and beat the defenceless creature in a horribly brutal manner. He broke one of its legs in two places, also three of its ribs and knocked an eye out, and then taking the saddle and bridle, he left the animal to suffer, and proceeded on his way afoot. The matter was brought to the notice of the Humane society of Pontiac, who had the horse shot and disposed of, and then had a warrant issued for the arrest of the brutal owner. An officer went to arrest Burrell, but he had flown. He returned to get funds to go away with, and it is said he left Chenoa on the C. & A. train for Missouri.

Assuming the Charles Burrell was 26 years old when he murdered Ida Mae Steers, he would have been born in 1870. In 1889, when this pony story was written, he would have been about 19 years old. It also says that he was living south of Fairbury, which is where he lived as a farm hand with Ida Mae Steers family.

This could also have been Charles Burrell's father, because he had the same name.

Ida Mae Steers was buried in the small Cooper cemetery southwest of Fairbury. It is a small and peaceful cemetery with about 50 graves.







Summary

The murder of 17 year-old Ida Mae Steers seems to be a case where a psychotic man says, "If I can't have you, then nobody can have you". If the story about a man abusing a pony is the murderer's father, you have to wonder if he also mistreated his son in the same manner.

If the story about the man abusing a pony is the same Charles Burrell that murdered Ida, it would seem that Mr. Burrell had a warped mind from a young age.

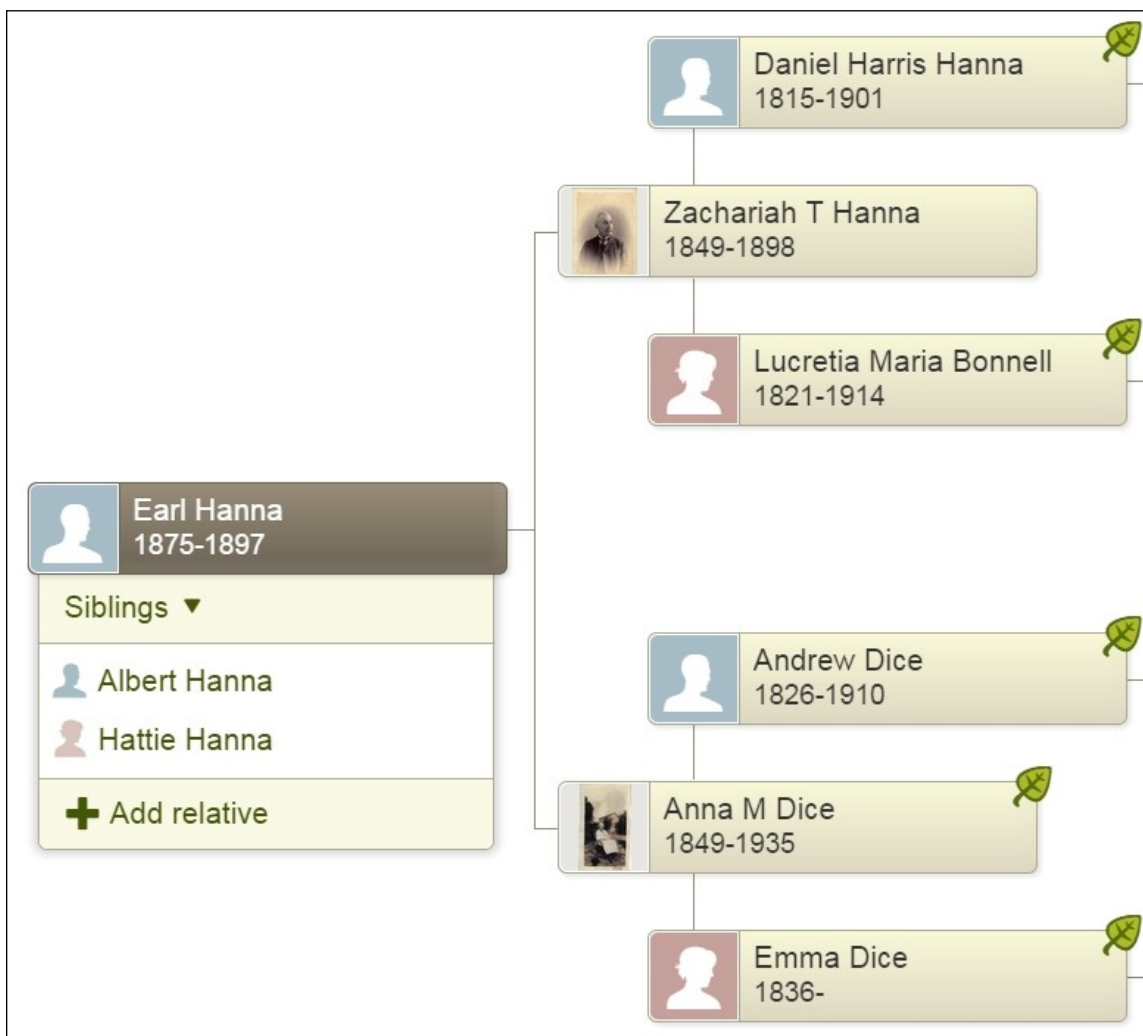
CHAPTER 3

1898 Murder of Earl Hanna

Hanna Family History

Earl Hanna's father was Zachariah T. Hanna. Zachariah had an interesting life. He was born July 10, 1849, in Ohio.

Zachariah married Anna M. Dice. Sometime prior to 1879, Zachariah and his family moved to Fairbury, Illinois.



Zachariah was also a musician. In Alma Lewis James' Nicks from the Blade, she noted the following article from the Fairbury Blade newspaper:

October 25, 1879 Brass band organized; Alf Jones, Sam Greenbaum, George Franzen, C.W. Faulkner, Z.T. Hanna, Lat Kring, Alf Powley, and Willie Casey. New music received and practice begun.

Also in 1879, Zachariah participated in one of Fairbury's most notorious stories:

ALLEGED ABDUCTION.

An Infernal Outrage.

Last Saturday, States Attorney Murdock received information that a chaste young woman had been decoyed to the bagnio of Leonard Gardner, and was detained there against her will, for the purpose of forcing her into prostitution.

In the evening Mr. Murdock dispatched Z.T. Hanna and D.A. Fraley to Gardner's house to ascertain the facts. They had considerable difficulty in getting the desired information, as Gardner refused to let them see or talk with the young lady, but by a little strategy they finally succeeded in getting an interview with the girl, who gave her name as Annie Manning, from Wapella, DeWitt County, this state.

She was found to be very much frightened and grieved at the situation she had been placed in. She Stated that Mollie Stewart, an inmate of the Gardner house, who is her cousin, had written to her saying that a situation could be got for her in this city, at a hotel, to wait on table, for which \$3 a week would be paid.

Not knowing that Mollie had gone to the everlasting bad, and believing it to be as represented, she wrote, accepting the position of waiter, as offered. On Friday night of last week, she arrived in town and was Met at Depot by Gardner and the girl Stewart, and taken to the bagnio outside the northwest limits of the city, where to her grief and mortification, she discovered the true character of the house and inmates.

She further stated she was detained there against her will – that efforts had been made by threats and otherwise, To Force Her into Prostitution, which she had resisted, and wanted to leave the house, but had fears of her life, if she attempted to do it without friends to accompany her.

Having learned this much, Fraley and Hanna returned to town and a State's Warrant for the persons of Leonard Gardner and Mollie Stewart was sworn out by Z.T. Hanna, who, as constable, accompanied by D.A. Fraley and John Allum, proceeded about 11 o'clock at night to make the arrest. When informed of the business, Gardner swore he would not be arrested, and ran upstairs, at the head of which he stopped, Drew a Pistol, and Swore He Would Kill Hanna if he made an attempt to arrest.

A rush was made by Allum, Hanna and others to the top of the stairs. Gardner retreated to the end of the hall, where he stood at bay, with pistol in hand, swearing he would kill the man who attempted to arrest him.

At this juncture, John Allum suddenly presented a cocked pistol into the face of Gardner, and ordered him to drop his pistol, which he did in short order, and subsequently gave up the pistol to Allum. The arrest was then made by Hanna.

After some considerable “palavering,” Gardner gave his gold watch and chain as security for his appearance in the court of Squire Hanna, Monday morning. The girl (Miss Manning) was then taken away, and placed in keeping of Marshal Allum, at his residence on Third Street, where she remained until Tuesday.

The Prisoners took a change of Venue from Hanna’s court to Squire Shepherd where they waived examination, and entered in bonds to appear at the May term of the Circuit Court.

One great mistake was made when the girl was taken away from the sink of iniquity that her trunk was not also taken, as Miss Manning claims the trunk was broken open and robbed of letters which would have been evidence in the trial.

Deep Indignation was expressed by most all classes of citizens, at the dastardly and vicious attempt to ruin an innocent girl. Some of the best citizens, feeling that the law could hardly punish the outrage as it deserved, expressed the belief that nothing but the court of Judge Lynch would ever rid this community of the vile den where such wrongs could be attempted or perpetrated. Certain it is the patience of our people will not tolerate the nuisance much longer, judging from the feeling expressed on Monday when the prospect seemed fair that the guilty parties where likely to go un-whipped of justice.

In 1886, Alma Lewis James, in her Nicks from the Blade, noted the following story:

March 26, 1886 Zack Hanna, Will Langabeer and Steven Hallock went to the Piper City swamps Monday to shoot ducks for a few days

Most of the land around Fairbury was swampy when the city was founded in 1857. Farmers began to tile the farm land, and the result was some of the most productive farm land on the planet. Apparently, there was still a swampy area in 1886 around Piper City.

Here is a photograph of Zachariah T. Hanna:



Here is a photograph of his wife Mary Ann Dice Hanna:



Zachariah's son Earl Hanna was born March 5, 1875. The fact that Earl's father, Zachariah, was a town Constable, did not keep his son from having trouble with the law. When Earl was 19 years old, he was arrested for stealing chickens per this Friday, November 23, 1894, Pantagraph story:

—Sheriff Bishop went to Pontiac yesterday with Earl Hanna, one of the boys who are charged with stealing 100 chickens from Mr. W. W. Shedd, the supervisor of Yates township. The other two are older and will be sent to Joliet for one year each.

Ellis Family

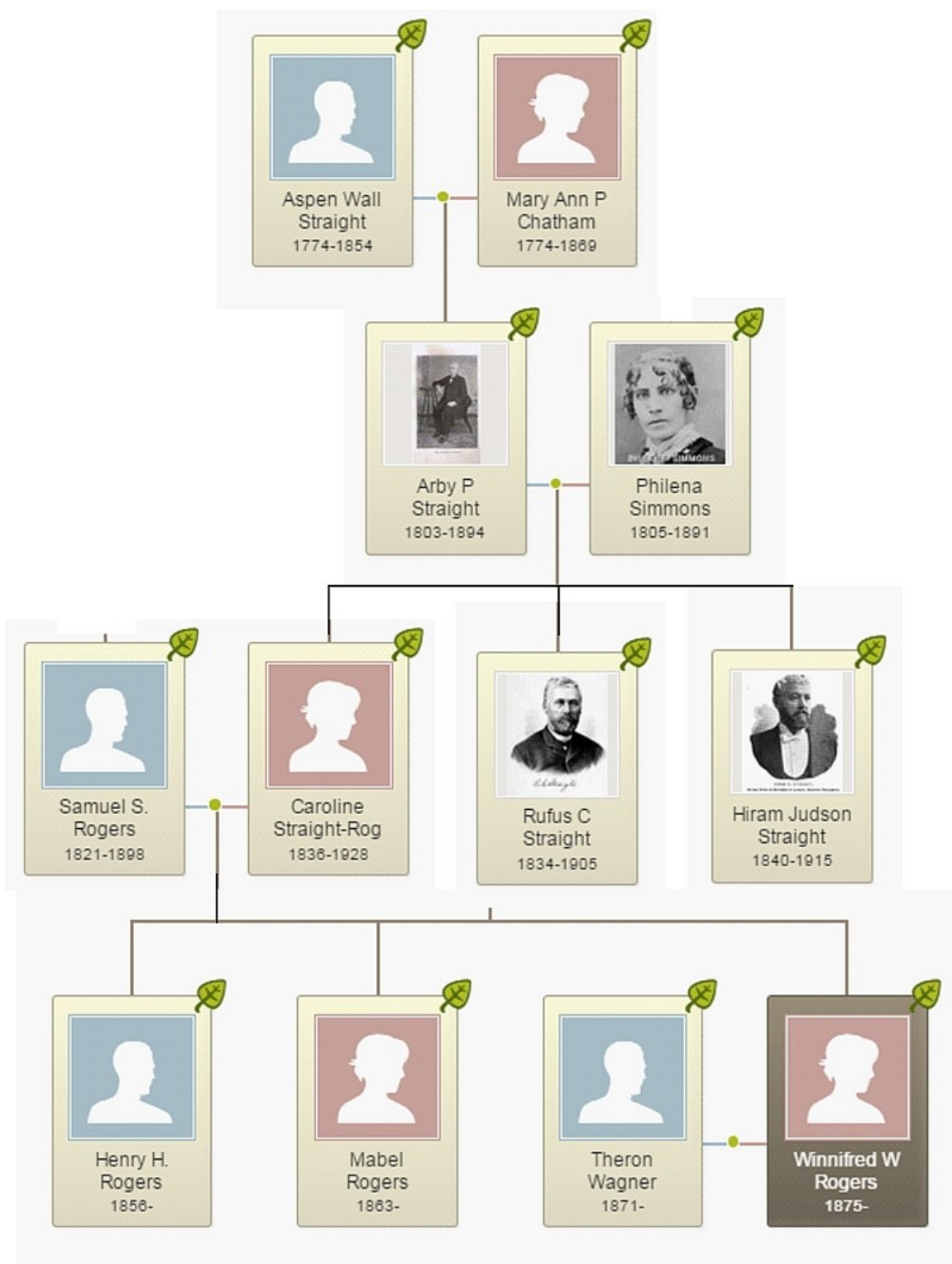
The family tree of Joseph Ellis is shown below:



Both of his parents were born in Germany.

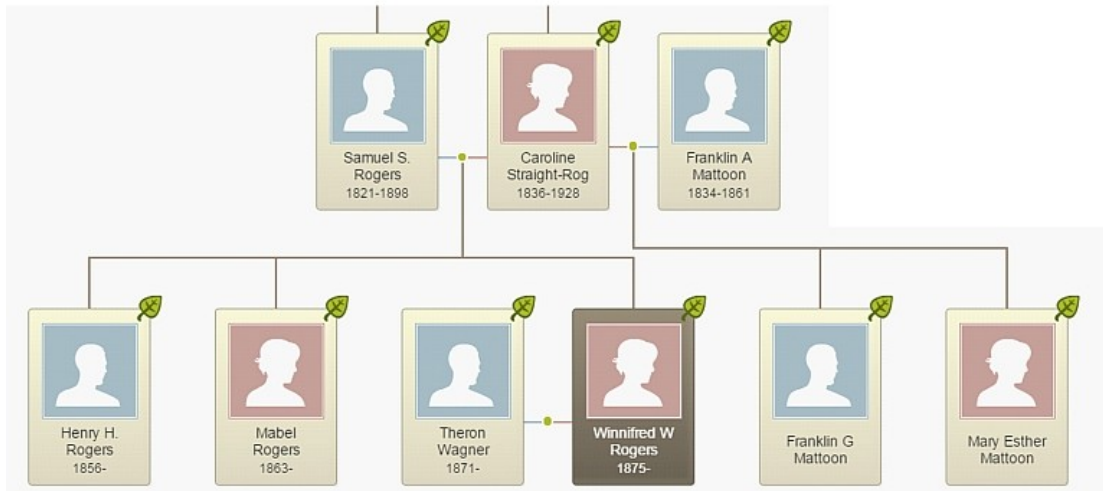
Winnie Rogers Family

Winnie (Winnifred) Rogers family was one of the pioneering families of Fairbury on the Straight side of her family.



The Straight side of Winnie's family had some unusual names including Aspen Wall Straight, and Arba 'Arby' Proudfoot Straight.

Winnie's mother's first husband, Franklin Alvares Mattoon, died after only four years of marriage. She then remarried to Samuel S. Rogers. Winnie grew up in a blended family. This blended family is shown below:



Winnie's sister, Mary Esther Mattoon, married prominent Cairo, Illinois, attorney, William Nicholas Butler. W.N. Butler went on to become a State's Attorney, and eventually a Judge in Cairo, Illinois. When Samuel Rogers died in 1898, Winnie's mother went to live with her daughter Mary Esther in Cairo, Illinois. She lived with her daughter for about 30 years until she died. Mary Esther was Winnie's half-sister.

Basic biography information on Winnie's grandfather, Arby Proudfoot Straight, is shown below:

Arba 'Arby' Proudfoot Straight^{1,2}	
Birth:	12 Jan 1803, Granville, Washington Co., NY ¹
Death:	3 May 1894, Fairbury, Livingston Co., IL ¹ ,
Buried:	Graceland Cemetery. Fairbury, IL ³
Occupation:	Farmer
Father:	Aspinwall P. Straight (1774-1854)
Mother:	Mary Ann Potter Chatham (1774-1869)
Spouse:	Philena Simmons¹
Birth:	9 Jul 1803, Argyle, Washington Co., NY ⁴
Death:	5 Apr 1891, Fairbury, Livingston Co., IL ⁴
Buried:	Graceland Cemetery. Fairbury, IL ³
Father:	David Simmons (1769-1820)
Mother:	Mary Knapp (1772-1847)
Marriage:	16 Jul 1823, Walworth, Wayne Co., NY ¹

While Arba was quite young his father moved the family a couple of times; but about the time Arby was seven, his father moved the family to Wayne Co., NY and here Aspinwall resided for a number of years. It was here that Arba met and married Philena. They removed westward from Wayne County between summer of 1823 and spring of 1825 to Chautauqua Co., NY. In the September 1826 census for Gerry/Charlotte, Chautauqua Co., Arba owns lot 23. He purchased this in January 1826; at the same time his brother Hiram purchased lot 30. He is also listed on the 1830, 1840, and 1850 census for Charlotte, Chautauqua Co. Arba was a farmer and one of the pioneers of the county.

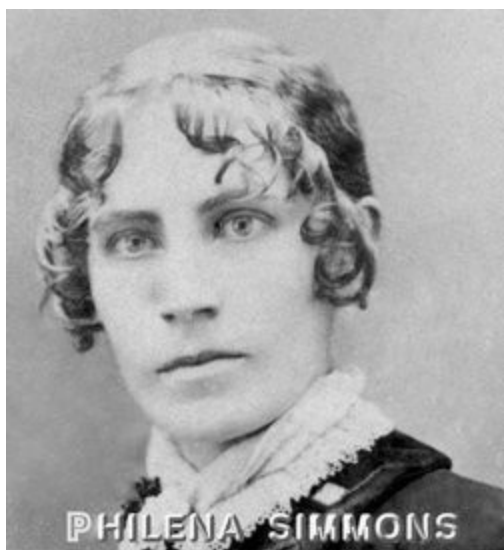
Shortly after the 1850 census though, the Straights began to move on. An autobiography of David Evander, son of Arba and Philena, from the history of Benton County, IN states that David and his brothers, Alonzo, Levi, and Rufus, purchased property in Livingston Co. IL in 1855. Arba and the remainder of the family followed in 1857, probably moving after the death of his father; purchasing land in Livingston Co., IL, he farmed and raised stock.

Only Emily and her husband remained in New York. Arby also bought 160 acres from his cousin Andrew J Cropsey in McLean Co. and was of Indian Grove at the time of this purchase. On the 1860 census he is in Indian Grove, Livingston Co. In the spring of 1877, Arby moved out to his farm on Sec.28 owning 170 acres valued at \$50/acre. He also owned 40 acres on Sec 34 and a dwelling and several lots in Fairbury. In the 1870

and 1880 census, he is listed in Fairbury, Livingston Co. Over the years many of Arba's children left central Illinois; Levi and Johnson went to St. Paul, Mn, Emily and her husband Nathan went to Kent, MI. Mary and her husband Jim ended up in Los Angeles Co., CA, and Hiram went to Chicago.



ARBY PROUDFOOT STRAIGHT



Arby and his wife Philena are buried in Fairbury's cemetery:



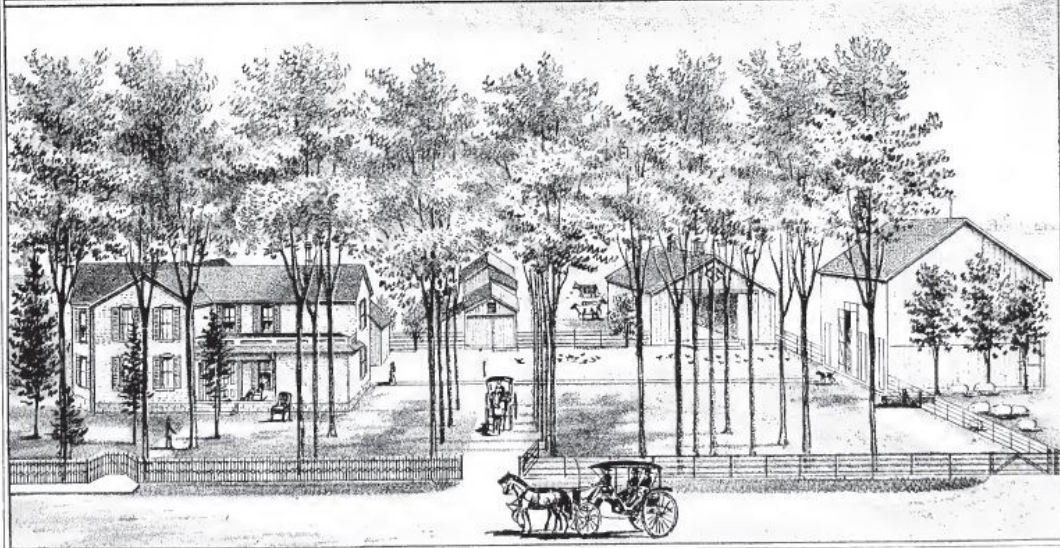
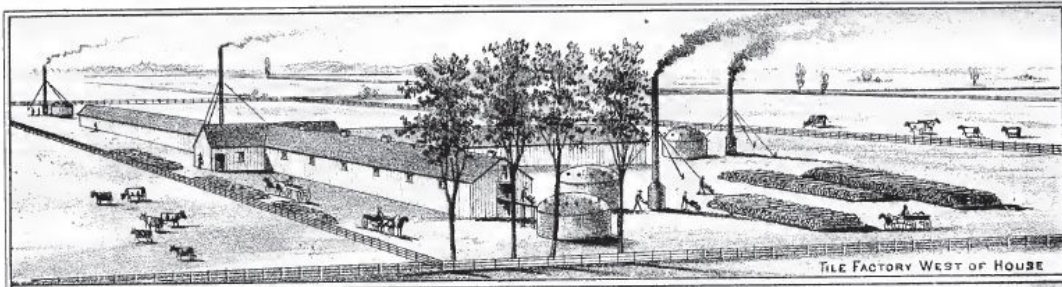


Arby and his wife Philena had 12 children. One of these children, Caroline Amelia Straight, was Winnie's mother.

Several of Winnie's uncles were very prominent citizens of either Fairbury or Cropsey. Their biographies are detailed below.

Rufus C. Straight

Rufus C. Straight was a very prominent Fairbury citizen. When Fairbury was founded in 1857, most of the farm land was almost too swampy to farm. Rufus was an enterprising farmer, and built a tile factory on his farm. An illustration of his farm and tile factory are in the 1888 history book:



RESIDENCE OF R. C. STRAIGHT, SEC. 9. INDIAN GROVE TOWNSHIP.

A short biography of Rufus C. Straight is shown below:

Rufus Christopher¹

Birth:	28 Jun 1834, Charlotte, Chautauqua Co., NY ¹
Death:	14 Jan 1905 ⁶ , Graceland Cemetery, Fairbury, IL ¹²
Spouse:	Francina Ruth Abbey⁷
Birth:	May 28, 1837, Erie Co., PA ¹¹
Death:	1901; Graceland Cemetery, Fairbury, IL ¹²
Father:	Horatius Abbey (1795-1871)
Mother:	Martha Smith (1802-1852)
Marriage:	28 Aug 1858 ⁶ , McLean Co., IL ⁶
Note:	In 1855, he removed to Illinois along with his brothers, locating first near Plainfield. Then in 1856 he went to Minnesota, where he remained until 1857. Returning to Illinois in the fall of that year and locating in Indian Grove Twp. ¹¹ , he bought land and moved to a farm near Andrew J. Cropsey. ⁴ Here he and Francina raised their family of eight children and spent their lives. Their children were: Lee, Lizzie M., Nellie, Guy H., Stella, Ray C., Lena L, and William 'Willis' A. In 1878, he owned 320 acres valued at \$14,400. He was a member of the school board in 1878; also proprietor of the Fairbury Drain Tile Manufactory. ¹¹ He married a second time in 1903 to Armelda Carson.

Francina's father, Horatius, left Erie, PA in 1854 and came west to Will or Kendall Co. IL. He spent about a year there and then in 1855 he went to McLean County. The timber and open water areas were already being settled but the group including him was one of the first on the open prairie. The family started farming immediately.¹⁰



Hiram Judson Straight

Back in 1857, when Fairbury was first founded, farming was a very tough and challenging way to make a living. The swampy ground caused many illnesses among the early settlers. The farm work was done with horses, and was very physically demanding of the farmer.

Winnie's uncle, Hiram Judson Straight, decided that farming did not suit him. He got into the insurance business in Fairbury, and it became his life long occupation. Below is a short biography on his life:

Hiram Judson

Birth: 7 Mar 1840, Charlotte, Chautauqua Co., NY¹
Death: 31 Dec 1915⁶, Chicago, Cook Co., IL²⁵
Spouse: **Annie Cerena Wheeler**⁶
Birth: 1843, Naples, Ontario Co., NY^{13,27}
Father: John C. Wheeler²⁷
Marriage: 13 Apr 1863, Kalamazoo Co., MI²⁷
Note: Hiram J. Straight was born near Charlotte, Chautauqua County, NY. After attending public schools he completed his education at Ellington Academy in nearby Ellington; at the age of eighteen he came to Illinois locating on a farm in Livingston County. The occupation of farming not proving congenial he engaged in the Fire Insurance business at Fairbury. As early as 1866 he accepted the Agency of several leading companies, including the Aetna, Hartford, Phoenix, Home of New York, and the Insurance Company of North America, and also acted as Special Agent of the Aetna as well as Local. The valuable education gained during his connection with these companies was of great advantage in preparing him to successfully occupy a larger field.²⁵

Achieving reasonable success with the opportunities offered at that time and place, his ambition led him to seek wider fields, and with his native foresight, was led to believe that Chicago would soon become the metropolis of the country, and in the spring of 1874 disposed of his business at Fairbury and opened an office at 151 La Salle Street, where he began active operations. In the fall of that year he removed to 150 La Salle Street, where he remained for about sixteen years, when a larger office was found necessary and was obtained by a removal to the present commodious quarters now occupied by his firm at Nos. 200 and 202 La Salle Street.²⁵

When the Sun Insurance Office of London entered the United States Messrs. Straight & Lyman were selected as their Chicago Agents. They were the first western managers for Sun. The firm also represented the Manchester Fire Assurance Company of England and the Standard Fire Insurance Company of Trenton, N. J.²⁵ In 1905 he organized the Inter Insurance Exchange of Chicago and the Underwriters Exchange.³⁰ After his death, his company was purchased by a larger insurance underwriting company.

Hiram was a member of the Chicago Board of Trade, the Stock Exchange, the Union League Club of Chicago, the Chicago Art Institute, the Society of the Sons of New York, the Prairie Club of Oak Park, and was been a liberal contributor to the Oak Park Library Association, known as the Scoville Institute.²⁵

He died at his home in Oak Park.³⁰ He and Annie had a daughter Maude Wheeler Straight b. 17 Jun 1868 in Fairbury, IL. m. to Albert Pruden Carman. Both were at University of Illinois, Urbana. She was an Assistant Professor with Library skills. He was a professor of Physics and Electrical Engineering.²⁸

Below is a picture of Hiram J. Straight. They got the middle initial wrong in the 1895 insurance book this was published in (*Portraits and Biographies of the Fire Underwriters of the City of Chicago*).



This is the biography that appeared in the 1895 insurance book:

Hiram J. Straight was born near Fredonia, Chautauqua County, New York, his father being a farmer and one of the pioneers of that county. After attending the public schools he completed his education at the Ellington Academy, and at the age of eighteen, in common with many other young men, he readily accepted the advice of Horace Greeley, his equipment seeming to be complete minus the one thousand dollars.

Coming to Illinois he located on a farm in Livingston County. The occupation of farming not proving congenial he engaged in the Fire Insurance business at Fairbury. As early as 1866 he accepted the Agency of several leading companies, including the Aetna, Hartford, Phoenix, Home of New York, and the Insurance Company of North America, and also acted as Special Agent of the Aetna as well as Local. The valuable education gained during his connection with these companies was of great advantage in preparing him to successfully occupy a larger field.

Achieving reasonable success with the opportunities offered at that time and place, his ambition led him to seek wider fields, and with his native foresight, was led to believe that Chicago would soon become the metropolis of the country, and in the spring of 1874 disposed of his business at Fairbury and opened an office at 151 La Salle Street, where he began active operations. In the fall of that year he removed to 150 La Salle Street, where he remained for about sixteen years, when a larger office was found necessary and was obtained by a removal to the present commodious quarters now occupied by his firm at Nos. 200 and 202 La Salle Street.

When the Sun Insurance Office of London entered the United States Messrs. Straight & Lyman were selected from the list of applicants as their Chicago Agents and are still the representatives of that company. This firm also represents the Manchester Fire Assurance Company of England and the Standard Fire Insurance Company of Trenton, N. J., the latter being the first company to enter their agency over twenty years ago.

Mr. Straight is a member of the Chicago Board of Trade, the Stock Exchange, the Union League Club of Chicago, the Chicago Art Institute, the Society of the Sons of New York, and the Prairie Club of Oak Park, and has been a liberal contributor to the Oak Park Library Association, known as the Scoville Institute.

Mary Straight

Winnie's aunt was Mary Straight. Below is a short biography of her:

Mary

Birth:	25 Jun 1827, Charlotte, Chautauqua Co., NY ¹
Death:	24 Apr 1918, Glendora, Los Angeles Co., LA ⁶
Buried:	Apr 1918, Fairbury, Livingston, IL ¹⁸
Spouse:	James Henry Odell ⁵
Birth:	23 Nov 1825, New York City, New York Co., NY ¹¹
Death:	19 Nov 1915, Glendora, Los Angeles Co., LA ⁶
Buried:	Graceland Cemetery, Nov 1915, Fairbury, Livingston Co, IL ¹⁸
Marriage:	25 May 1848, Charlotte, Chautauqua Co., NY ⁶
Note:	Due to failing health of his father, he removed to Chautauqua NY. Here he met Mary; they married and resided here about 23 years, until 1862 when they relocated to Indian Grove. He owned 200 acres valued at \$15,000. ¹¹ They remained in Indian Grove until after the 1880 census, and probably until at least 1884. Their son Frank, his wife and children are living with them in the 1900 census of Azusa, LA Co., CA. But their youngest child was born in IL. On the 1915 census both families are still residing together in Glendora, LA Co., CA. Their son Jerome and his family also ended up residing in Glendora. Over his life time James was a teacher, farmer, and banker. ¹⁸ There were 7 children: Edmund Lafayette, Philena Elizabeth, Mary Lucena, Levi Judson, Jerome Arba, Charles Henry, Frank Eugene. ¹⁸

One of Mary Straight's sons was Levi Judson Odell. He was quite the inventor and businessman. He invented and manufactured a corn row checker, an early typewriter design, and a woman's razor.

Alonzo Alexander Straight

Another one of Winnie's uncles was Alonzo Alexander Straight. He was one of the early founders of Cropsey, and was killed in the Civil War.

Alonzo Alexander

Birth: 19 Jan 1829, Charlotte, Chautauqua Co., NY¹
Death: 29 Aug 1862⁵
Buried: Graceland Cemetery, Fairbury, Livingston Co., IL¹²
Spouse: **Mahala M. Stoddard**⁵
Birth: 23 Mar 1834¹²
Death: 2 Nov 1897¹²
Buried: Graceland Cemetery, Fairbury, Livingston Co., IL¹²
Father: Simeon A Stoddard
Mother: Nancy M. Merrill
Marriage: 15 Mar 1854⁵
Religion: Methodist Episcopal
Notes: In 1855, he bought land and moved to farms near Andrew J. Cropsey. In Feb 1858, he was the moderator for the meeting organizing Cropsey Twp. and in April 1858 he was elected the first Supervisor. By 1860 he had moved to Fairbury, here he was the first schoolteacher in a small wooden framed building.¹¹ In the records, he is called Amos Alonzo. His father's biography states he was killed in the Civil War. However, no information about dates of service is provided in the biography or on the grave marker.⁴ He was a private in the 129th Illinois Volunteer Infantry¹⁹. Alonzo left 4 children and his widow

It appears that Mahala never remarried; she remained in McLean County. In 1868 she filed for a pension and it was granted - \$8/month. On the 1870 census for McLean County her oldest son Judd A., age 15, is the farmer. She is a postal patron for Cropsey Twp. from 1874-1879. However, the 1880 census shows she has moved to Bloomington, McLean County and Judd is a fireman. Dora, age 23, is at school, and Frank K., age 20 is a photographer. Ora B. m. Emma E. Brown 28 Feb 1884, McLean Co., IL.²⁰

Another of Winnie's uncles was Levi F. Straight. A short biography for him is below:

Levi F.

Birth:	3 Jan 1831, Charlotte, Chautauqua Co., NY ¹
Death:	19 Nov 1911 ⁶
Spouse:	Jane Hannah Langworthy ⁸
Birth:	7 Sep 1833, White Creek, Chautauqua Co., NY ^{8,22}
Death:	9 Sep 1922, St. Paul, Ramsey Co., MN ²²
Marriage:	8 Sep 1855 ⁶
Notes:	In 1855, he also bought land and moved to farm near Andrew J Cropsey. At a meeting in his home in February 1858, the southern half of Twp.25N, R6E plus Twp 24N, R6E was organized into a new political unit, Cropsey Twp.; named for AJ Cropsey. His brother Amos was moderator and Andrew J. Cropsey was clerk of the meeting. By the 1860 census, he had left the farm and was a wagon maker in Fairbury. He served as Justice of the Peace for the town. ⁴ They resided in Fairbury until 1888, when Levi, Jane, and Wayne; and their daughter Ella and her husband John F Gregory removed to MN. By 1890, they were settled in St. Paul; Levi and John were grocers and Wayne a druggist. ²¹ Levi and his brother Johnson, might have gone to MN at the same time; if not at the same time then within a year of each other. Both families ended up in St. Paul; where they remained. After Levi's death, Jane took up residence with her daughter Alta P., who had married William T Wright. Their other children were a son Clare A. and a daughter Maggie. Clare also resided in St. Paul.

Caroline Amelia Straight

Winnie's mother was Caroline "Carrie" Amelia Straight. Below is a short biography of her:

Caroline 'Carrie' Amelia¹

Birth: 18 Feb 1836, Charlotte, Chautauqua Co., NY¹
Death: 12 Jan 1928, Cairo, Alexander Co., IL²⁵
First Spouse: **Franklin Alvares Mattoon⁶**
Birth: 28 Jun 1834^{12,24}
Death: 1861^{12,24}
Buried: Christian Cemetery, Arkwright, Chautauqua Co., NY¹²
Marriage: 6 Jan 1857, Dunkirk, Chautauqua Co., NY²³
Second Spouse: **Samuel S. Rogers¹¹**
Birth: 8 Feb, 1821, Clinton Co., NY¹¹
Death: 1898^{12,24}
Buried: Graceland Cemetery, Fairbury, Livingston Co., IL¹²
Marriage: 26 Mar, 1872, Fairbury, Livingston Co., IL
Note: Carrie was first married to Frank by whom she had at least 2 children: Mary Esther and Franklin Glenn. Frank died after only 4 years of marriage. By the 1870 census, Carrie is in Illinois living with her parents and teaching school. A couple of years later she married Samuel. They had a blended family, children from his first wife, her two children, and their daughter, Winnifred.

Samuel's family had removed to Boston, MA in 1827; thence to Augusta, ME in 1841. The family came to IL the spring of 1866 locating in Fairbury. He served as school trustee from 1868 to at least 1878. He was proprietor of Fairbury House and Carrie was landlady in 1878.¹¹ After Samuel's death, Carrie lived with her daughter Mary, Mrs. William T. Butler, in Cairo, Alexander Co., IL for almost 30 years. At the time of his marriage, F. Glenn was in North Dakota.

Both of Winnie's parents are buried in Fairbury's Graceland Cemetery:



The Murder

The best source for describing this case would be the Fairbury Blade. It was probably a front-page story in the Blade. Unfortunately, the micro-film copy of that week's Blade is completely missing when the initial research was done for this book.

In November of 2017, the Blade closed its office in Fairbury. The copies of the old Blade newspaper were donated by the Blade to the Echoes Museum. The day before the 101 old Blade books were moved, the author searched for the 1898 Blade book and found it. The author took digital photos of the front page, then transcribed the text.

The April 8, 1898, front page Blade story is shown below:

The Fairbury Blade

April 8, 1898

Front Page Story

THE FATAL SHOOTING OF EARL HANNA

Tuesday evening about 9 o'clock, Earl Hanna was fatally shot by Joe Ellis as a result of a standing quarrel between the two young men over a girl known as Winnie Rogers of this place.

The shooting took place in the north part of town on the north side of Hickory street between Fifth and sixth about opposite the house occupied by Mrs. Werman. The other parties present at the shooting were Winnie Rogers, who was with Ellis and Louis Gagnon who was with Hanna. Hanna was shot with a bullet from a 32 or 38 inch revolver about two inches to the left of the lower extremity of the breast bone. He was taken to the home of Marlon Babb on the other side of the street where he died at 5:30 o'clock the next morning. Ellis fled and at this writing his whereabouts is unknown.

A short time before the shooting Hanna and his friend Gagnon started from the Klondike restaurant for a walk, going north on Fourth street until they reached Hickory street. Winnie Rogers lives with her foster parents on the northwest corner of Fourth and Hickory streets. The two young men turned east on Hickory street. At the distance of about half a block they met Joe Ellis and Winfred Rogers coming west.

Hickory street has a hedge fence running along the north side. The sidewalk is set in far from the hedge so that there is perhaps four feet between the hedge and the walk. There is a grassy space between the walk and the roadside ditch. A large silver maple tree stands by the hedge just west of where they met.

Ellis was walking on the outside and Miss Rogers next to the fence. Facing them approached Hanna and Gagnon, the former walking on the outside of the walk opposite Ellis. Gagnon stepped in front of Hanna and tried to pass, expecting Ellis to make way by stepping in front of Miss Rogers. Ellis, however, stood in front of Gagnon and both parties came to a stand-still. Ellis then addressed Hanna saying, "What's the reason you have such a grudge against me?" Hanna answered "You know -----well." Then Ellis pulled out a revolver and holding it loosely in both hands before him low on his breast said "You get down on your knees and apologize to this girl." Hanna said "You're crazy I won't do it" Ellis said "I'll shoot you if you don't." Gagnon at this time was standing next to the road with his face toward Ellis and made an attempt to get the revolver away and

Ellis threatened to shoot him if he did not get out of the way. Ellis had stepped toward the north and stood facing southwest. Hanna facing him. Miss Rogers appears to have passed behind Ellis toward the south and was standing on the outside edge of the walk back of the others. Gagnon made two attempts to get the revolver but Ellis swung his right hand clear and fired, the ball taking effect as above stated. Ellis said "If that don't fix you I will give you another" and was about to fire again but the girl told him not to. Gagnon was still trying to interfere and Ellis warned him again to get away or he would shoot him also. Hanna staggered back saying "I am dying."

The girl cried out, "You got just what you deserve. I am glad of it." Led by Gagnon, Hanna walked to the residence of Marion Babb half a block away where he was placed in bed and Dr. Otis sent for. The Babb family gave up their whole premises to the care of the sufferer with admirable unselfishness. The wound proved fatal and Hanna died at 5:20 o'clock next morning. He was conscious until shortly before his death. He was attended by Dr. Otis and Dr. G.C. Lewis. Among those who assisted in the care of him were Dr. J.R. Rayburn, Will Scouler, John Woods, Louis Gagnon, Henry Remington. Hanna made an ante-mortem statement.

There was no essential difference between the testimony of Gagnon, Winnifred Rogers and Hanna's statement as to the facts of the shooting except that Miss Rogers swore the first day that she saw Hanna swing his right hand to his hip pocket and saw something "shiny" in his pocket but that she would not swear it was a revolver. At the second inquest she swore positively that Hanna drew a revolver before Ellis drew his. There is however no other evidence tending to show that Hanna had a revolver. Gagnon swears positively that he had none and none was found on his person or anywhere in the locality.

Ellis and Miss Rogers went to the residence of her foster parents across the street from where Hanna lay. Ellis appears to have gone from there to his uncle's saloon up town and to afterward returned to the Rogers residence. After a time the girl came over to Babb's asked as to Hanna's condition. She said at the inquest that this was not because she cared anything about it but because Ellis wanted to know.

This tragedy appears to have had its impelling cause in that most ruthless and uncompromising of being a woman scorned. Winnie Rogers and Earl Hanna once "went together" and were still in a certain degree intimate. The girl appears to have still been much enamored of him but he apparently had come to have no very warm feeling for her and was "going" with at least one other girl. She kept writing to him again and again in spite of answers not always encouraging or even civil. A letter of hers to him March 24 showed that she had a "date" with him shortly previous. Her favors to Ellis appear to have been partly prompted by the idea of making Hanna jealous at least she tried to utilize them in this direction. There was standing trouble between the young men about the matter and Miss Rogers and another girl had a personal encounter last Sunday night at which it is claimed Hanna made Ellis keep hands off while the two girls had their fight out. Miss Rogers had written a letter to Hanna the afternoon before the tragedy, in which she shows that this affair had greatly enraged her. She declares to Hanna in her letter that she has told Ellis how Hanna had called him a coward and warns him that "every dog has its day." Ellis appears to have made up his mind to shoot Hanna next time he met him but Hanna evidently did not believe this for he had plenty of time to have closed with Ellis and prevented what happened while Ellis was struggling with Gagnon.

Hanna was the son of the late Z.T. Hanna and had always lived here. He was a young man of strong and active frame and undoubted physical courage. He served a year in the Reform School at Pontiac, having been mixed up with some others in a raid on a farmer's poultry. He was not considered a vicious character and was not in the habit of carrying weapons. He was a paper hanger and since his father's death had been contributing his earnings liberally to the support of his mother and family. He was direct and reliable in business matters and while not a young man of spotless morals was not at all a dangerous or desperate character.

Ellis came to Fairbury from Pontiac some two months ago. He has relatives in both places. The family has lived in the county many years. He worked in Ellis' saloon for some time but was not working there at the time of the tragedy. He is rather tall and raw boned and has black hair and eyes. He was in the habit of carrying arms but had not specially desperate reputation. He had made threats against Hanna which Hanna evidently did not take seriously.

Coroner Snyder arrived Wednesday forenoon and empanelled a jury consisting of J.W. Beers, M.H. Bally, Geo. Lynn, G.B. Brownson, John Zimmerman and Dr. G.C. Lewis. The testimony was principally that of Gagnon, Miss Rogers and Dr. Otis and the witnesses substantially agreed upon the story as above set forth. The inquest was attended by Attorney Agard who was present with Miss Lou Gillette as shorthand writer, in the interest of the prospective defence of Ellis in the Circuit court. After it was over it was found that the notes of Mr. Agard's shorthand writer were for his private use and that he declined to furnish them to the coroner to be copied. In any case they would not have been available as the evidence should have been reduced to writing at the time and read to and signed by the witnesses.

The whole evidence had to be gone over again yesterday. This time Attorney Herbert Powell was present representing the people.

Gertrude Hassenfratz, a girl about seventeen years of age lives on Fourth street a few doors beyond the residence of Miss Rogers. She testified yesterday before the coroner's jury that she was returning home from town Tuesday evening just before the shooting and she and a gentleman friend, Leslie Baird, went for a walk. They met Ellis and Miss Rogers coming west on Hickory street. "She stopped me and Ellis stepped to one side and Baird stepped to the other side of me. The boys were quite a distance apart. She asked me in a kind of undertone if we met that fellow on the corner down there, and then she whispered in my ear and asked me if I had seen anything of Hanna. I replied that I had not. She said they were looking for him and that Joe was going to shoot him. Hiss Hassenfratz further testified that she told her escort of this conversation as they walked on and while she was telling him they heard a shot. She also testified to hearing the exclamation of Miss Rogers as before spoken of.

The evidence of Miss Hassenfratz created a great sensation as appearing to fix definite complicity in the crime upon Miss Rogers.

The funeral of Earl Hanna was held at the M.E. church Thursday afternoon at 3 o'clock. There was an enormous attendance and Rev. E. S. Wilson preached a powerful sermon.

Mrs. Hanna, mother of the murdered man, was prostrated by the shock and is still in a precarious condition. There is universal sympathy for her unusual afflictions.

Ellis appears to have eluded pursuit, at least for the present. He is thought to have gone north on the night of the shooting and is believed to have taken the train to Emington on Wednesday morning. Miss Rogers is said to have received a letter from him written in Chicago. However this may be, he probably beyond immediate capture.

He was pursued Tuesday night by parties from this place, who claim to have traced him to near the McDowell bridge. The dogs of the Anti Horse Thief Association were got out but were not effective in following the trail more than a short distance.

Sheriff Reed was on the ground Tuesday night promptly and sent out teams and did everything in his power to effect a capture but without success.

Verdict of the Jury

The coroner's jury finished its labors this afternoon and rendered the following verdict:

"We the undersigned jurors sworn to inquire of the death of Earl Hanna on oath do find that he came to his death on April 6, 1898 between the hours of 8 and 9 o'clock p.m. We the jury recommend that Joseph Ellis be apprehended and held without bond to await the action of the grand jury. We the jury also find Maud Winnifred Rogers as accessory to the death of Earl Hanna and recommend that she be held to await the action of the Grand Jury."

A warrant was at once issued and Miss Rogers was arrested at her home by Constable Joe Galloway.

It is expected that she will be taken to Pontiac on the six o'clock train. An effort will be made to have the circuit judge admit her to bail and it will probably succeed.

Alma Lewis James in 1954 published many excerpts from the Fairbury Blade. She called this *Nicks from the Blade*.

In her 1898 Nicks from the Blade, she noted the following:

Earl Hanna was shot Tuesday evening by Joe Ellis as the result of a standing quarrel over Winnie Rogers of this place.

"The shooting took place on the north side of Hickory Street between Fifth and Sixth Streets. Ellis fled and has not been apprehended.

Winnie lives on the Northwest corner of Fourth and Hickory. Hickory Street has a hedge fence running along the North side. The sidewalk is set in from the hedge so that there is perhaps four feet between the hedge and the walk. There is a grassy space between the walk and the roadside ditch. A large sliver maple tree stands by the hedge just west of where they met."

Hanna was attended by Dr. Otis and Dr. Lewis. He had served a year in the Pontiac Reformatory for chicken stealing, and Ellis was in the habit of carrying arms. The dogs of the Anti-Horse-Thief Association were able to trail him only a little way.

The Blade is available in micro-film for the next week's edition after the murder. This article described the search for the murderer:

Ellis Case

Joe Ellis, the slayer of Earl Hanna, is still at large, and as far as known nothing has been heard from him by the officers. Sheriff Reed was called to Chicago this week on a dispatch from the authorities there that Ellis had been located in Wisconsin but the suspected man proved to be somebody else.

Judge Palin admitted Miss Winnifred Rogers to bail last Monday setting the bail at \$3,000. The bond was signed by S.S. Rogers and W.N. Butler.

Joe Ellis apparently did flee to Wisconsin. He hid out there from the time of the shooting, April 5, 1898, until he was apprehended on December 8, 1900. He was a fugitive for about 33 months.

The December 8, 1900, edition of the Bloomington Pantagraph carried the apprehension of Joseph Ellis in Wisconsin. It also gives more details on this murder case:

CAPTURED IN WISCONSIN

Joseph Ellis, Charged With Fairbury Murder, Brought Back to Pontiac.

Pontiac, Dec. 7.—(Special.)—Sheriff W. L. Talbott returned this morning from Racine, Wis., having in charge Joseph Ellis, who is under indictment for the shooting of Earl Hanna at Fairbury on April 5, 1898. The sheriff had obtained private information which assisted him in locating Ellis, and had furnished the Racine police department with a description of the fugitive. When arrested Ellis, who had assumed the name of Fisher, denied his identity and almost secured his release, but upon the arrival of Sheriff Talbott weakened and signified his willingness to return to Pontiac, and, as he expressed it, "Take my medicine, whatever it is."

The crime for which Ellis is held took place at Fairbury nearly three years ago, and was the result of a quarrel over a woman, Winnie Rogers, who had been more or less intimate with Earl Hanna, but had subsequently transferred her affections to Ellis. On the evening of the shooting he and Miss Rogers, while out walking met Hanna and after a few words Ellis demanded of Hanna that he get down on his knees and apologize for alleged disrespect shown Miss Rogers. This Hanna refused to do and after more words Ellis shot him, the ball entering near his heart. Hanna died within a few hours, and Ellis, though pursued by bloodhounds, made good his escape. Miss Rogers is now married and lives in Chicago.

Ellis has relatives in Pontiac who will assist him. He will plead self-defense and has secured Attorneys Carithers, Graves, Agard and Holly to conduct his case.

The December 8, 1900, Pantagraph article above is transcribed into text below:

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Other newspapers captured the story of the capture of Joe Ellis. These included the Decatur newspaper:

Joseph Ellis, of Fairbury, who shot and killed Earl Hanna at that place on April 5, 1897, and fled at the time, has been arrested in Racine, Wis. [True Republican, 19 December 1900; Sub. by Pam Haag Geyer]

At this point in time, December of 1900, things looked very bleak for Joseph Ellis. He had fled Fairbury to Wisconsin after he shot Earl Hanna. Fleeing the scene of a crime is often an indicator of guilt.

Apparently, Winnie Rogers decided to help out in the defense of her boyfriend, Joseph Ellis. Winnie knew that her half-sister Mary Esther Mattoon, had married a very prominent Southern Illinois attorney, W.N. Butler. He was a very good attorney who had

risen in his profession to State's Attorney of his county. He agreed to take on the defense of Joseph Ellis in his murder trial.

When the first court date approached for the murder trial, Joseph Ellis asked and received a continuance per the Fairbury Blade:

Circuit Court

A motion was entered for a continuance in the Joe Ellis murder case. Affidavits have not yet been submitted. A motion was also entered by counsel for Ellis in the Joe Ellis murder case to be allowed access to the report of the evidence taken at the coroner's inquest upon the body of Earl Hanna. The state's attorney contends that this report was taken at the instance of private parties and is not a public record.

The new petit jury is to be empanelled Monday afternoon.

W.N. Butler, the well known attorney of Cairo, was in court Monday afternoon. Mr. Butler was state's attorney of Alexander County for 16 years, his term ending last December. He is an active and influential republican in that part of the state.

The murder trial was held in early February, 1901. In a surprise verdict, the jury acquitted Joseph Ellis of murdering Earl Hanna. The Fairbury Blade reported on this verdict:

The jury in the Ellis murder trial after deliberating five hours, returned a verdict of not guilty and the prisoner was liberated. On the first ballot the jury stood four for conviction and eight for acquittal. Afterwards it was six for conviction and six for acquittal. Most of the jurymen lived in Pontiac. The testimony for the prosecution was virtually the same as introduced at the coroner's inquest in this city.

Ellis was on the stand for one whole day in his own defense. He swore that he was afraid of Hanna and that the night of the shooting Hanna had a revolver. It is the universal opinion that Ellis would have been found guilty but for a letter introduced by the defense and written by Hanna to Winifred Rogers in which he threatened the life of Ellis. The letter was read by W.N Butler of Cairo and was the turning point in favor of the defendant. Up to this time, it looked as though he would receive a sentence.

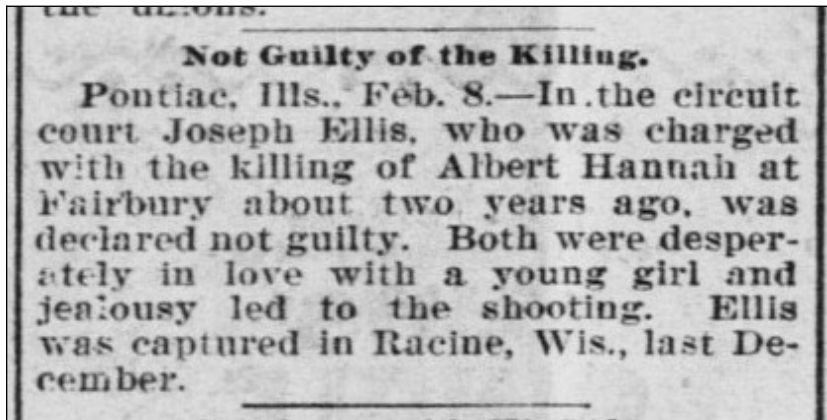
Although not specifically stated in the Blade story, it is assumed that Joseph Ellis claimed a case of self-defense for why he shot Earl Hanna.

It should also be noted the big-time Southern Illinois lawyer, W.N. Butler, was successful in getting his client found not-guilty on this murder case. W.N. Butler would go on to become a famous Judge in the Cairo, Illinois area.

At least two other newspapers carried the story on the outcome of the trial. These included the Decatur newspaper:

In the circuit court at Pontiac, Joseph Ellis, who was charged with the killing of Earl Hannah at Fairbury about two years ago, was declared not guilty. [True Republican, 13 February 1901; Sub. by Pam Haag Geyer]

The Rock Island Argus, Volume 50, Number 95, 8 February 1901, also carried the story:



After-Math

Slain Earl Hanna was buried with his parents in Fairbury's cemetery. Their graves are located on the northwest portion of the cemetery.



Although Winnie's family got the high-powered Southern Illinois attorney who got Joseph Ellis acquitted of murder, Winnie and Joseph parted company. Winnie married someone else. No trace can be found regarding what happened to Joseph Ellis after the trial.

Summary

This appears to be a classic case of two young men quarreling over a young lady. Although he was the son of the Fairbury town constable, Earl Hanna got into plenty of trouble with the law. He was convicted of stealing chickens and served one year in jail.

While Joseph Ellis was on the run for 32 months, Winnie found a new boy friend and married him.

It is interesting that even though Winnie married someone else, she used her family connections to get Joseph Ellis the high-powered Southern Illinois attorney that got him acquitted.

This murder case touched many people in Fairbury because the Straight family was so large in numbers and many of the members were prominent Fairbury or Cropsey citizens.

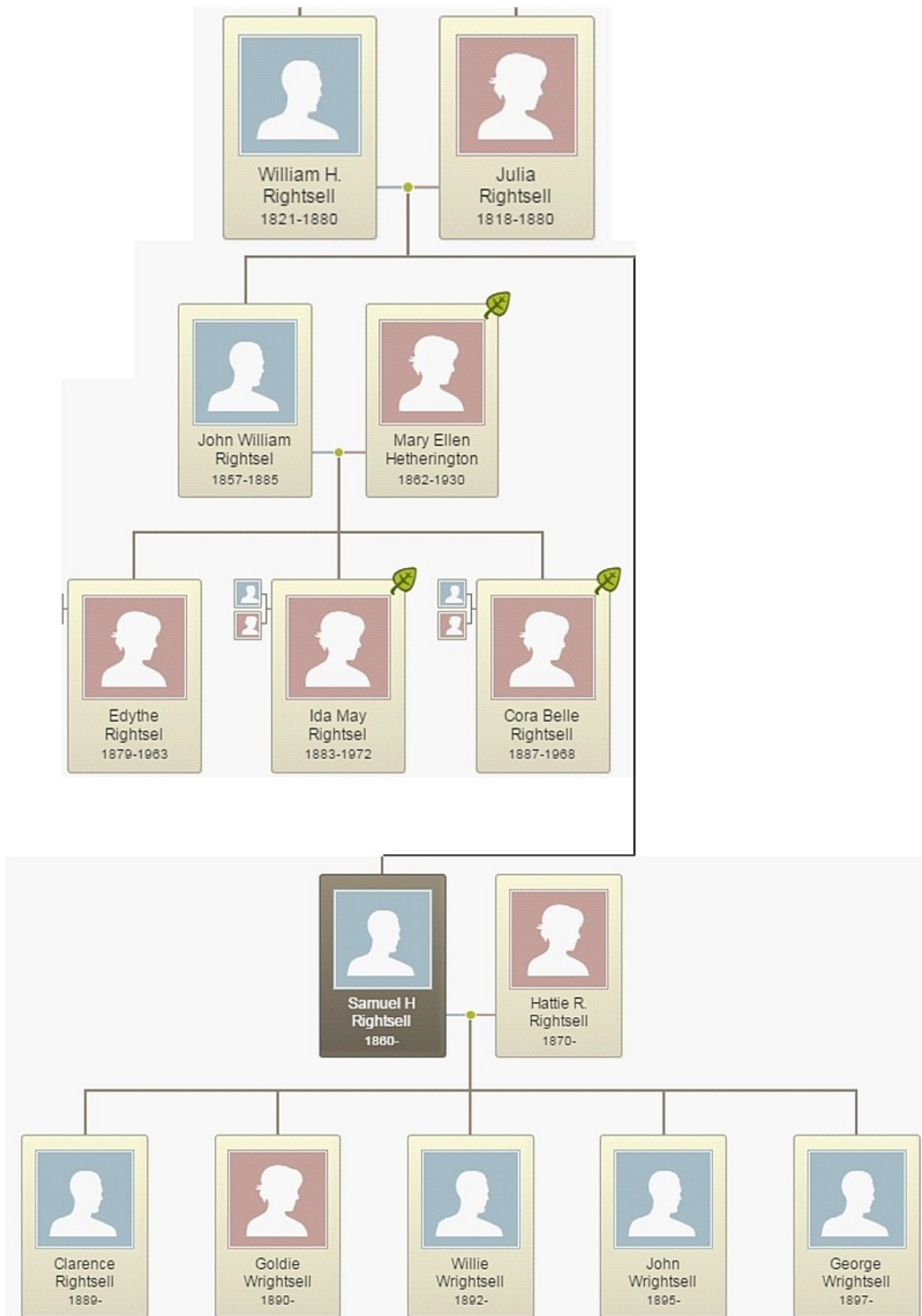
The Pontiac Daily Leader (micro-film) may have covered the murder and the trial. The author did not research this micro-film because there were enough details available from other sources.

CHAPTER 4

1899 Murder of City Marshall William Frederick (Fred) Baird

Samuel Rightsell Family History

The murderer of Fred Baird was Samuel Rightsell. His family tree is shown below:



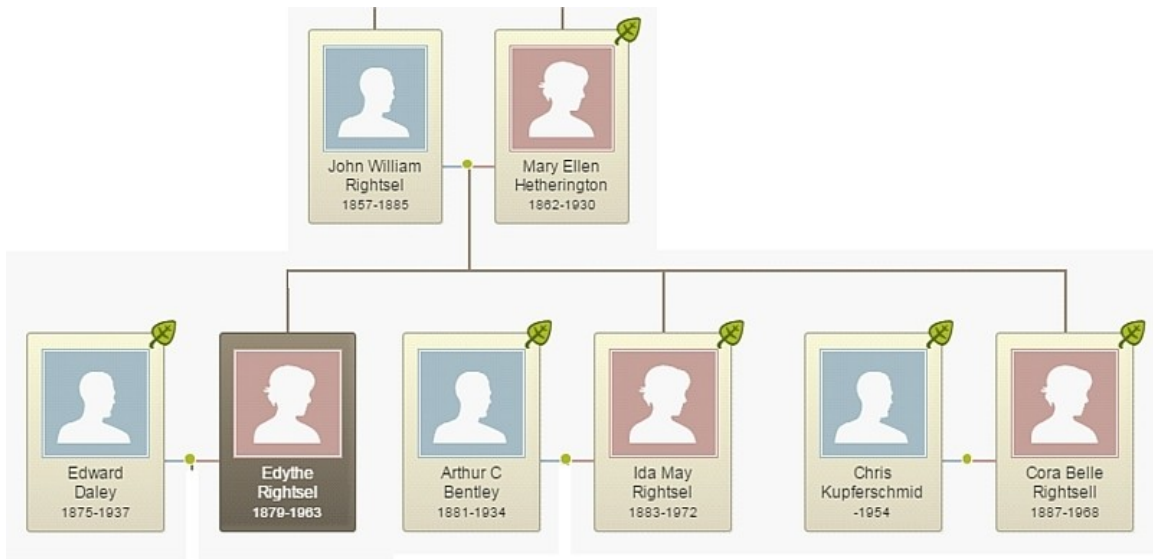
Sam Rightsell's parents were both born in Ohio. It is somewhat challenging to perform genealogical research on his family tree because the last name is sometimes spelled Rightsel. We will use the most commonly spelled method which is Rightsell.

Sam Rightsell's father was a Civil War veteran:

Name:	William H. Rightsell
Side:	Union
Regiment State/Origin:	Illinois
Regiment Name:	129 Illinois Infantry.
Regiment Name Expanded:	129th Regiment, Illinois Infantry
Company:	G
Rank In:	Private
Rank In Expanded:	Private
Rank Out:	Private
Rank Out Expanded:	Private
Alternate Name:	William H.H./Rightsell
Film Number:	M539 roll 75
Other Records:	Learn More about this Regiment

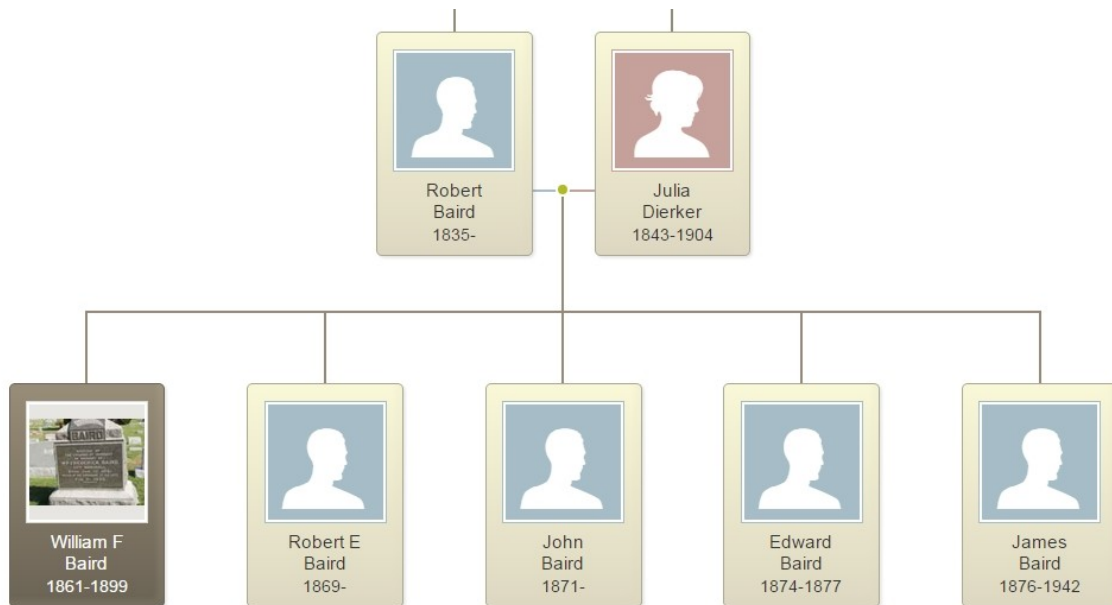
Many Fairbury area men served in the 129th Regiment of the Illinois Infantry.

Below is an expanded family tree for Sam Rightsell's brother, John William Rightsell:



Fred Baird Family History

Fred's full name was William Frederick Baird. His family tree is below:



Fred's parents, Robert and Julia, were both from Indiana. At some point they moved to Illinois and had five sons. Both Robert and Julia are buried in the Fairbury cemetery (Graceland Cemetery).

Edward only lived to be three years old. After his death, it left Fred and his three brothers.

Alma Lewis James noted in her Nicks from the Blade the following about Fred's brother, James Baird:

August 3, 1895

There is quite a revival of interest in the national game of baseball. The leagues are all doing well and the amateur clubs are numerous. Hereabouts the devotees of the game are especially active. The Fairbury, Forrest, Chenoa, Lexington, Pontiac, Colfax, Chatsworth and other nearby points all have teams and the struggle for supremacy is intense. Fairbury and Normal are to play at the fair grounds today. Dick Thompson and James Baird will be the battery for Fairbury. Walton Bros. are planning on putting in steam to heat the Palace of Trade.

City Marshall and Fire Department Foreman

Fred and his three brothers were very civic minded citizens of Fairbury. Fred was not only City Marshall, he was also Foreman of the Fairbury Fire Department as noted in the January 1, 1898 Fire Insurance book:

FAIRBURY, Livingston Co., population 3,500; fire area 200 acres; mercantile buildings, brick and iron, 2 and 3 stories; private, wood, 2 stories; wooden roofs not permitted; fireworks ordinance. Fire department—several ladders, 1 hook and ladder truck, 2 hose carriages; hose, cotton good 1,200 ft; value of fire department equipment \$1,500; value of buildings occupied \$5,000; total annual expenses of department \$400; total membership 14; bell alarm. Foreman, Fred. Baird.
WATER SUPPLY—Source, not stated; system, pump to tank; capacity of tank 60,000 gals; dy capacity 57,600 gals; 12 fire plugs; pipe 1 mile, 8 in diameter; pressure 75, pump gives 175 pounds. Supt, Amos Brown.

It is interesting to note that Amos Brown was the Superintendent of the Fairbury Fire Department. We will cover his story in the next chapter.

Walton's Second Fire

Fred Baird and his brothers fought one of the largest fires in Fairbury's history. In 1896, Walton's burned down for the second time in its history.

The April 18, 1896, Blade newspaper covered the fire and cited both Fred and his brothers in their valiant efforts to keep the fire from spreading and burning down the whole town.

Big Store In Ashes

When Sidney Swarm went down into the basement of Walton Bros. store building at about one o'clock last Tuesday afternoon there was the quiet of a not very brisk day in the big establishment and upon the streets outside. Within a few minutes the cry of fire was heard and in five minutes more Walton's' "Palace of Trade" with its rich and varied contents, was a mass of smoke and flame. There was not for a single minute after the fire started either hope or opportunity of saving either building or contents.

The fire department was upon the scene immediately but the smoke was pouring from every door and window before the first stream of water was turned on. The flames seemed to appear everywhere almost at the same time. The employees of the store hardly realized what was coming before they were forced into the street. The lady clerks did not save their hats and wraps. Only a few armfuls of goods were carried out. When the clerks returned for more, they could not go inside. The occupants of the offices in the upper story saved practically nothing. Some of them rushing out upon the alarm and going back, escaped with difficulty. The instantaneous and completeness of the destruction was astonishing.

Walton Bros' establishment was probably the largest in the state in a city of less than 5,000 inhabitants. The portion burned embraced large stocks of clothing, men's furnishings, dry goods, shelf hardware, groceries, shoes, wall paper, millinery and other kinds of general merchandise. The heavy hardware, furniture, implements, etc., which occupy other buildings and were not burned, are still more in value than most commercial establishments entire. The burned departments occupied three rooms, making 75 feet front on Locust street, by 130 on Third street. The west room ran back 20 feet further. The east 50 feet was two stories and a basement, the upper story being occupied by offices. The west 25 feet was one story and a basement.

Jay Tyler's barber shop occupied the southeast corner of the basement. The balance of the basement was used for various purposes connected with the store. The fire started in the basement of the one-story part on the west. This was into several compartments. A stairway went down on the west side, reaching the bottom a little more than halfway to the rear. North of this stairway was a number of barrels and cans containing paints and oils.

Sidney Swarm was at work here when the fire broke out, just how is not known. Burning oil or paint was thrown against his legs and his pants caught on fire. He threw himself down and smothered this out with the aid of his left hand, at the same time shouting "fire!" Then he rushed up the stairs and raised the alarm. W.K. Stafford of the hardware department caught the end of the hose that was always kept ready and ran down into the basement. He was driven back by the dense smoke. Swarm ran past him, catching the hose and laying down, played water a minute or so. Then he had to give up. He could see nothing and the stairway was in flames. He groped his way with difficulty, even finding

himself in an empty potato bin, to another stairway further east. When he reached the main floor the rooms were full of fire and smoke and the employees had vacated. Swarm crawled on the floor where the smoke was thinner and got out at a door on the east side of the building. Only his intimate knowledge of the arrangement of the basement saved his life. As it was, his right arm was severely burned. His pants were burned off to the knee.

The firemen succeeded in confining the fire to the limits named. They made a magnificent and sometimes dangerous fight at the west wall and after a brave struggle they checked the blaze at that point. Virgin's livery barn situated immediately north of the Walton building across the alley was also saved by coolness and hard work. The north wall of the Walton building which stood and the brick wall of the barn together made a barrier that was successfully defended. The windows of the Bartlett building across the street east were broken by the heat, as were also the plate glass windows of the First National bank to the south. The ill-advised zeal of the populace damaged the household goods of the Virgin family to the extent of several hundred dollars by unnecessarily moving those out and using the most reckless violence in the process. Several families to the north moved out partially.

The Chenoa fire company got a call for help with only eight minutes to make the train in. They hustled like the live men they are and got their hose cart on the tender of the engine with themselves alongside. The railroad men caught the spirit and the train pulled into Fairbury ahead of time, having made the twelve mile run in as many minutes. The Chenoa company was a welcome reinforcement and the boys took hold with a will. They won golden opinions by their courage and hard work and will always have a warm place in the hearts of our people. They were W. Groesbeck, chief, W.H. Kanagy, assistant, Jacob Balback, Adam Balback, L.L. Silliman, Earl Wightman, John Ketcham, Wm. Chapman and C.E. Travis.

The courage and energy displayed by the fire company and by some outsiders who took hold as volunteers merits the highest praise. If it had not been for the gallant fight they made the whole block would have been laid in ashes and how much more it is impossible to say. The successful fight made to save Virgin's livery barn which was just across the alley in the direct line of the wind, was remarkably judicious and well-directed. Why the wooden tower of this building did not catch fire seems a mystery. The fact that the north wall of the Walton building stood when the roof fell doubtless saved the barn as well as the Virgin residence and probably much more.

It would be pleasant to be able to give due credit by name to all those whose bravery and energy did so much to save the city from a vastly more appalling calamity, but many a brave act doubtless passed unnoticed.

Among the firemen who were in the thick of the struggle and are entitled to the highest credit are: Fred Baird, foreman, Will Langabeer, assistant foreman, Ide Harris, Chris Hahn, Bob Harris, John Mapel, James Langabeer, John Baird, Louis Weber, Geo. Keyes, Robt. Baird, Marden Baker, Wm. Smith, Amos Brown.

Among those not members of the fire company who deserve special mention are: James Lawrence, Harry Baird, John Haven, Chas. Anderson, Bert Rose, Chas. Lough, Hugh Pence, Marsh Gordon.

Among those who did fine work in the saving of Virgin livery stable are R.W. Mahoney, W.R. Bane, F.I. Churchill, Marion Babb, A.R. Fulton, C.C. Hollenback, A.F. Filley, George Milne, Vic Crumbaker, Will Braun, Frank Combs.

The insurance losses for Walton Bros. estimated to be at least \$75,000 on stock and \$13,000 on building (insurance companies and amounts are listed but microfilm is too difficult to read - others listed who incurred losses due to the fire were: Carrithers & Agard, dentist J.R. Rayburn, barber Jay Tyler, and photographer E.M. Phillips.)

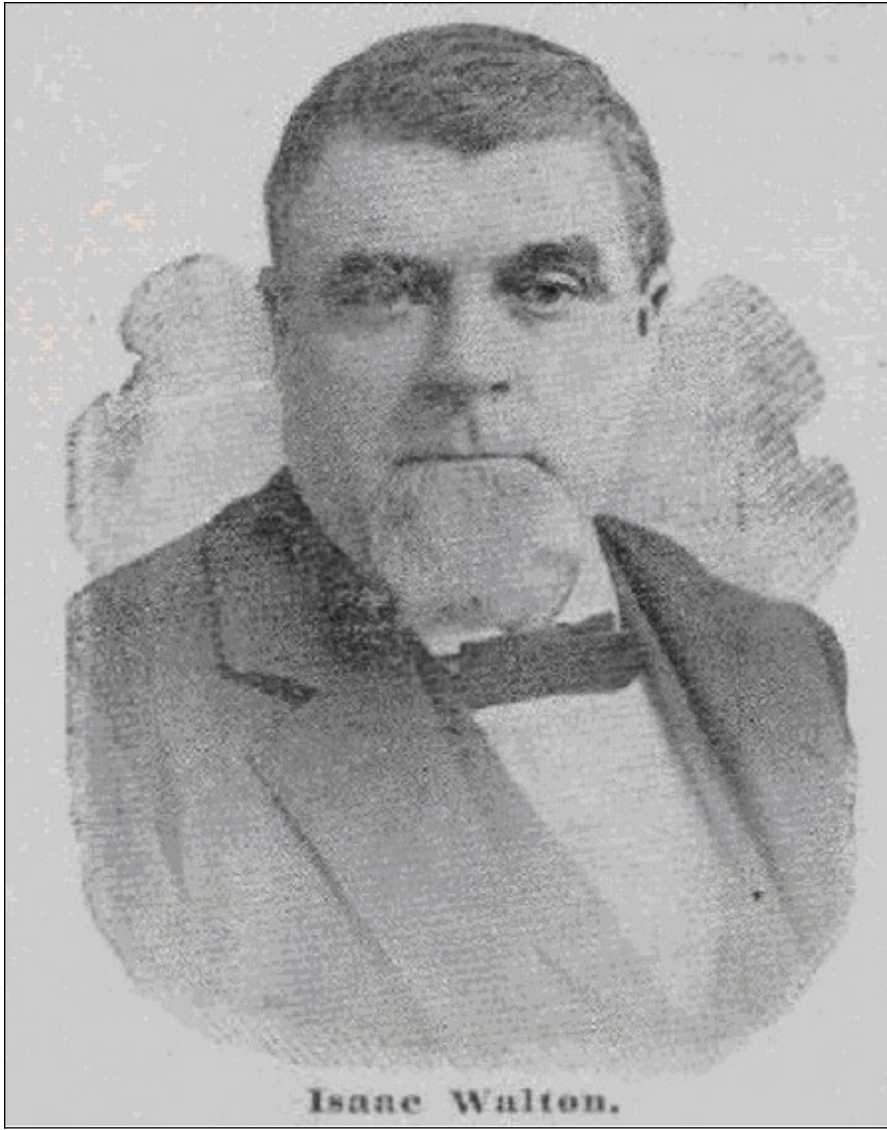
The Bartlett building across the street east was injured, as also was the property of Parsons & Cram, Weaver Bros., A.H. Mundt and the Local Record, but each of whom was fully insured. The First National bank building and that adjoining it on the west were also fully covered by insurance. G.H. Thompson and Mapel Bros. also sustained damages, but their losses were fully insured. There were also a few minor losses not mentioned here which were fully covered by insurance.

Among those who lost heavily and who were not insured were the following: Dr. Dan Brewer \$2000, Robinsons & Farr \$300, Phelps & Moberly \$350, C.W. Keck \$300. C.W. Keck had a daily report with other business written and it was lying on his desk for the mail but the fire destroyed it.

G.Y. McDowell's livery stock suffered little damage. Carrithers & Agard have set up their law office in the front room of the city hall upstairs. The W.G. McDowell brick building was badly damaged.

The firm of Walton Bros. was formed in 1868 in a small way at first, but rapidly gained in wealth and reputation. The firm was temporarily crippled by the great fire of 1884, but continued to widen and increase its business. The partners have become quite wealthy and the name of Walton Bros. is a synonym for enterprise and fair dealing throughout a large part of Illinois.

Walton Bros. authorize the statement that a new and better building will be erected upon the ruins of the one burned and that the work will be commenced immediately.



Isaac Walton.

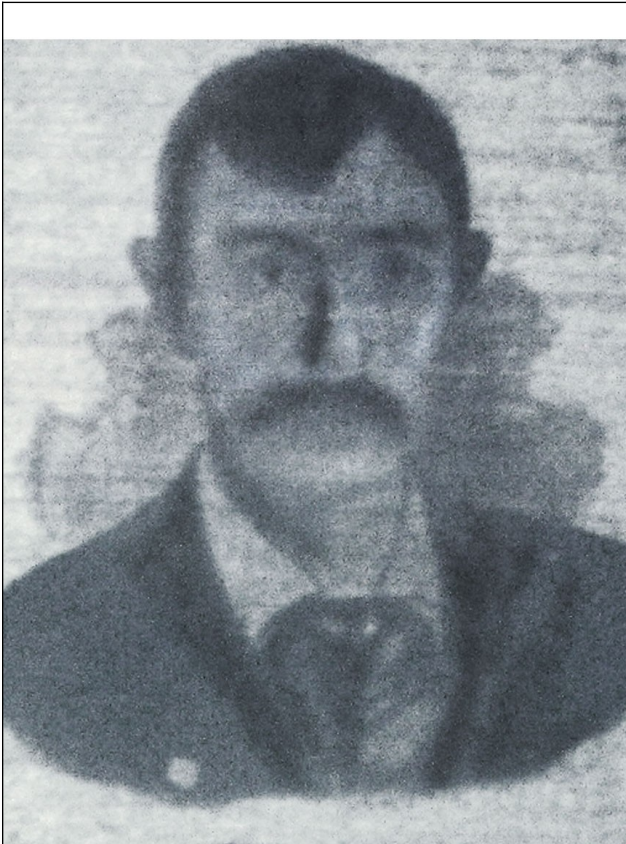


J. W. Walton.

The Murder

The murder of City Marshall Fred Baird was a front page story in the Fairbury Blade on February 17th, 1899. Unfortunately, the copy of the Blade that was micro-filmed had already yellowed in color significantly by the time it was micro-filmed.

Although difficult to see now, here is the portrait of Fred Baird that appeared in this issue of the Blade:



The front page story from the Blade is converted to text below:

Fairbury Blade

February 17, 1899

A TERRIBLE CRIME

Police Officer Fred Baird Shot Down While in Discharge of His Duty

SAM RIGHTSELL THE MURDERER

Rightsell Gives Himself Up and Is Taken to Pontiac and Lodged in Jail

Saturday evening about half past six, City Marshall Fred Baird was shot and fatally wounded by Samuel Rightsell. The shooting occurred in the basement of W.H. Bartlett's residence whither Rightsell had run to escape arrest.

Rightsell had been in bad humor for some time previous over an attachment for \$30 sued out by Dr. Thatcher before Justice Zimmerman. Constable Joseph Galloway went to Rightsell's house during his absence Saturday afternoon and levied on a horse and cow, taking these to Hampey & Beggs' livery stable.

Saturday evening about five o'clock Rightsell went into J.A. Sheaff's gun store. Several men were there among them Eph. Bill. Bills and Rightsell were figuring on a trade of an organ for a harness. Bills asked Rightsell about the trade and after talking it over for a while Rightsell said he guessed it was not music he wanted but cartridges. Bills then went outside the door. Rightsell got up and asked Sheaff if he had an 38 caliber cartridges. Sheaff told him he had and gave him a box which he paid for. He then went outside where Bills was standing and showing him the box, said: "I'm going to put one of them into Joe Galloway," and after taking a moment or two went down east. About six o'clock he called on J.A. Stoller's and asked Joe Swing for a box of 38-caliber cartridges. They were handed out and after dickering a moment about the price he paid for them and putting them in his pocket went out.

About fifteen minutes later he appeared at Constable Galloway's house and asked him to go with him to Zimmerman's office and find out how much the costs of the case were. Galloway demurred and said that he could tell just what the costs were without going down there. Rightsell, however, insisted that they go and get Justice Zimmerman and go down to the city hall and settle the matter. Galloway finally assented and they started out, Miss Myrtle, daughter of Mr. Galloway, accompanying and walking between them. They walked north and when they came to the alley in the rear of W.H. Bartlett's house, Rightsell stepped back, Myrtle stopped also, Galloway took one step forward and wheeled around, Myrtle was between Rightsell and her father. Rightsell pushing his hand, which contained a revolver, by her saying, "I'll kill you now, you son-of-a---", he snapped it twice, but the gun did not go off. He then turned and ran up the alley, Galloway who was looking for something of the kind, drew his revolver when he turned around, but was first unable to shoot for fear of hitting his daughter. As soon as Rightsell was into the alley Galloway fired two shots at him and thought he saw him stagger as he turned behind the coal house. Galloway then continued on up town.

Passersby say they heard two more shots fired and heard the balls whistle towards town, but Galloway did not hear them.

Soon after the shooting, Rightsell entered Bartlett's house going into the kitchen at the rear. He did not know Christina Kilgus, the servant girl, was in the room and she said he appeared very much excited and carried a big gun. She was very much afraid of him.

He asked her where their cellar was. She asked him what he wanted to know that for. He said, "Please tell me where your cellar is, I want to go down and get warm by your furnace. Please tell me where it is quick." Christina ran out. Rightsell found the cellar

door and went down taking with him a large place of food. Mr. Bartlett was not at home at the time and there was no one in the home but Rosamond Bell, the nurse, who was attending Mrs. Bartlett who was sick, and the servant girl. The girl ran over to H.B. Taylor's and told him there was a big tramp in the cellar. Miss Kilgus did not know Rightsell and had not heard the shooting outside. Mr. Taylor immediately telephoned to Wade's drug store for Policeman Baird. Geo. H. Franzen went out and found the officer and told him of the telephone and Fred started for Bartlett's house, Will Brown accompanying him. When they arrived at the home, Mr. Taylor was waiting for them. He had heard nothing of the shooting and told Fred there was a tramp in the cellar. They got a lantern and Fred said, You take the lantern." They then started down stairs Baird leading and Taylor holding the lantern so that the rays shown ahead. The stairs start down towards the west about half way down they make a direct turn east. At the turn, one step is much wider than the rest and when a man is on this step he can be distinctly seen from the doorway to the northwest part of the room. Just as Baird stepped upon this wide step or platform Rightsell shot, firing two shots in rapid succession. Fred also shot twice but his revolver was in his right coat pocket and he shot thru his coat. The shooting was over in an instant and close together and the detonation being so great that Mr. Taylor could not tell how many shots were fired. Fred threw up his arms and exclaimed "My God, I'm killed!" and fell back into Mr. Taylor's arms. Mr. Taylor dragged him upstairs, laid him on the floor and turned and locked the cellar door as quickly as possible.

The wounded man was placed on a cot and all the doctors that could be found were summoned to his side. Drs. Barnes, Otis, Parsons, and Johnson responded and all pronounced the wound fatal. The physicians did all they could to alleviate his suffering. He thought himself to be dying and told his aged and heart-broken mother and his brothers farewell, telling them not to worry. He passed quietly away at 10:30.

He made the following statement about the shooting just previous to his death, Dr. Parsons asking the questions:

"Who shot you, Fred?"

"Sam Rightsell, I went down there. They told me there was a drunk man down there. I took the lead and Mr. Taylor had the lantern, and Sam shot at me. He shot first. I saw his face by the flash. I think I am dying."

Fred Baird
His x mark

Witness Mark:
H.E. Johnson
N.S. Parsons

Subscribed by mark and sworn to before me this 11th day of February, 1899.

J.V. McDowell
Notary Public
9:10 pm

The story of the shooting was rapidly noised about and in a short time, hundreds of men had gathered about the premises. Mayor Dominy had guards placed around the house armed with shot guns, rifles, and revolvers, and in charge of Amos Brown. The excitement ran high and there is no doubt but that the murderer would have been lynched had they been able to get him out of the cellar. He would have been foolhardy to have entered into his stronghold and would probably have meant death to a couple of men, armed as he was, and guarding both the inside and outside cellar ways. The night was bitter cold and the crowd could not stand outside very long. The guards were changed every half-hour.

Mrs. Bartlett, the nurse, and the children were moved to the Thornton house. Sheriff Talbot of Pontiac was sent for and arrived on the 9:35 p.m. train. After a short consultation with Mayor Dominy, he went to the house and took charge.

Several attempts were made to get Rightsell to talk but they were unsuccessful until 3:30 a.m. when Sheriff Talbot opened the door and told him that the crowd had now dispersed and that he, in his duty as sheriff, would see that he got protection. Rightsell then answered and asked who was there. Those present were named and he objected to Jim Morris. Morris was requested by the sheriff to leave. Rightsell requested a talk with J.V. McDowell, who was present. John assured him that he would be protected if he came up. He said he would come. Sheriff Talbot stood at the foot of the stairs. Rightsell came up slowly with his rifle and revolver in hand, the muzzles pointing upwards. Talbot pushed them aside and took them out of his hands as he came within reach. Rightsell looked terrible. His face was drawn and covered with coal dust and then it was seen that he was wounded. He was laid on upon the floor and the wound examined. A bullet had penetrated the flesh just above the right hip. Dr. Manwaren examined him but could not tell how bad he was hurt. As soon as possible, a carriage was procured and the murderer was bundled in and drove out of town. Sheriff Talbot deemed this advisable as there was

no doubt that the people would have assembled and lynched the prisoner as soon as they learned he was out of the cellar.

A coroner's jury was empanelled Sunday morning by Justice Zimmerman, acting as deputy coroner, and at this time a post mortem examination was held by Drs. Barnes and Otis and the bullet extracted. It had entered the breast an inch and a half below the heart and passing thru the body, lodged just under the skin below the left shoulder blade. The jury then adjourned until Monday at ten o'clock, when, after hearing the evidence, they rendered the following verdict.

Verdict

We the jury find that Fred Baird came to his death on Saturday the eleventh day of February, A.D. 1898, in this city of Fairbury county of Livingston, and state of Illinois, by reason of a gunshot wound, said gunshot wound having been inflicted by Samuel Rightsell, of Fairbury, Illinois, with murderous intent; and we recommend that said Samuel Rightsell be held without bail to await the action of the Grand Jury of said county.

S.M. Hagman Foreman

J.L. Marsh

O.S. Westervelt

Frank Conners

A.E. Chapman

J.E. Eddy

Wilson Morris drove the carriage and in it were Sheriff Talbott, Deputy Sheriffs Hoke and Ives and the prisoner. They drove to Forrest where they remained until six o'clock, when they loaded the prisoner onto the TP&W westbound train and took him to Pontiac via Chenoa and placed him in jail. The physicians say that his wound is serious, though a telephone message this morning from Deputy Sheriff Hoke says he is improving. Mr. Hoke also said that the only wish he has been heard to say is that he had killed the whole g--d-- crowd.

The killing of Fred Baird was one of the most atrocious and cold-blooded crimes ever committed in this county, Rightsell started out to kill. He had made death threats against several officers. When searched, he was found to have in his possession a rifle, two revolvers, 178 round of ammunition, and a knife. The rifle is supposed to have been strapped up under his overcoat when he called at Galloway's house.

His past record almost since childhood is an unenviable one. Many times he has come in contact with the officers of the law for various misdemeanors. His vicious temperament was well known and the officer that went after him usually went "loaded". A short time previous to the murder he had driven Constable Morris off his premises with a pitch fork when that officer was serving a summons upon him.

He at one time cut I.M. Boomer in the arm with a knife, had been to jail for maltreating his wife and is said by many citizens to have treated his mother and father shamefully.

Rightsell is man about 37 years old and he had accumulated some property. He was considered a shrewd trader. He is married and has four children. It is said that he is resigned to his fate and has made his property to his wife to hold in trust for his children.

Obituary of Fred Baird

Fred Baird was born on what is now the Brooks farm in Indian Grove Township January 13, 1861. Some years later the family moved to Gibson and then to Paxton going from there to Texas where they lived until 1874 when they returned to Fairbury where they have since lived. In 1876, the father died and the support of the family devolved upon Fred to a great extent, him being the oldest of the four boys. He proved himself in those early days of youth of true metal and was never known to be out of employment when there was work to do. He was a hard worker, honest, and conscientious in all things and always gave his employer value received.

Four years ago he was appointed policeman and has made an exceptionally good officer. Brave to a fault, always discharging his duties promptly and fearlessly and never overstepping these duties.

In his long life in Fairbury, he made hundreds of friends and scarcely an enemy. Strange to relate, the very who s wantonly took his life while abusing every other officer of the law, was not known to have had anything against Fred. He was unmarried and leaves besides his mother three brothers, Robert, John, and James to mourn his sad death. Words are inadequate to convey to the stricken ones the deep sympathy the people of Fairbury feel for them in this sad hour of affliction.

The funeral services took place from the M.W. Church Monday morning at 10:30, Rev. E.S. Wilson , assisted by Rev. N.H. Wright presiding. He was buried under the auspices of the Knights of Pythias of which institution he had for years been an honored member. The city council, city officers, and fire department attended in a body. The church was crowded to its utmost capacity and many were unable to get inside.

The floral offerings were many and beautiful.

The remains were laid to rest by the side of his father in the Cooper cemetery south of town. The Pythias burial service was said at the grave.

Resolutions:

Whereas by the death of William Frederick Baird the citizens of Fairbury have lost an officer who was capable, efficient, and faithful in all things and died at his post of duty and:

Whereas we who were associated with him in his official life and capacity can more fully appreciate his sterling worth and honor, and:

Whereas we are desirous of testifying to the public and his sorrowing family the high esteem to which we, his friends and fellow officers held him:

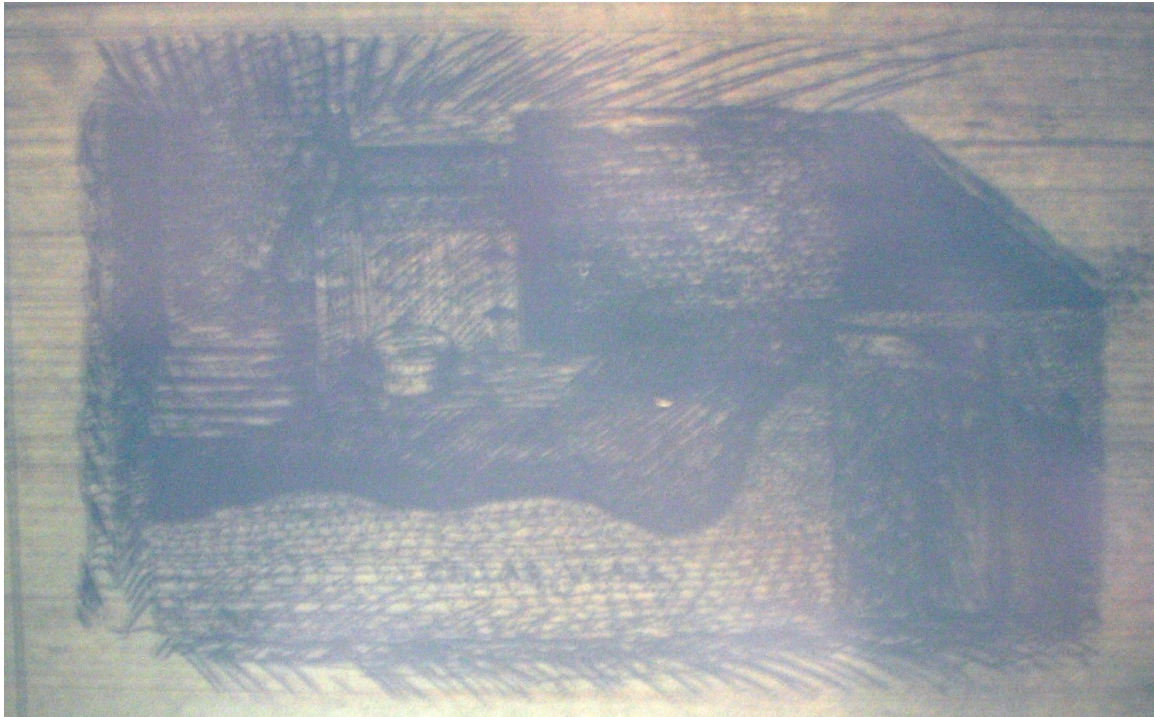
Therefore it is resolved by the city council that to the bereaved we extend our deepest sympathy in this their time of trouble, and:

Resolved that a copy of these resolutions be spread upon the records of this city and that a copy be transmitted to his family and to the local press.

L.H. Dominy - Mayor

G.W. Bennett - City Clerk

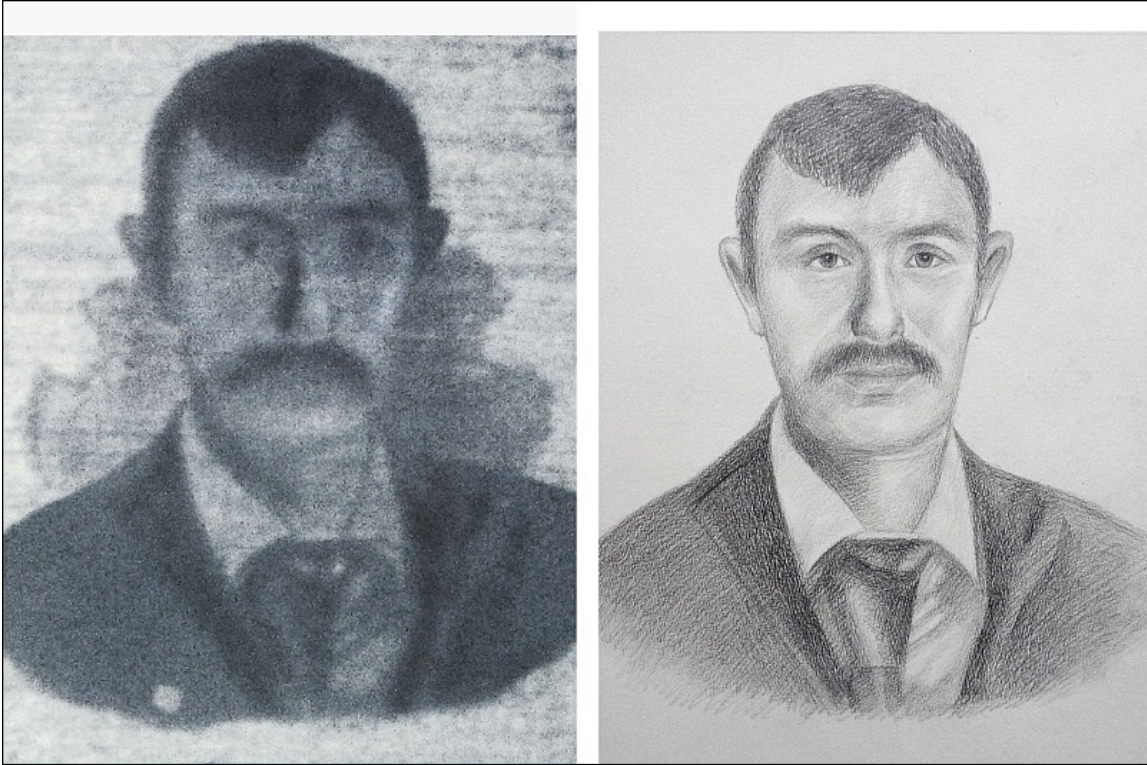
This edition of the Blade also had a sketch of the cellar where Sam Rightsell shot Fred Baird. Unfortunately, this sketch is now almost illegible. It shows Sam Rightsell in the lower right portion hiding with his guns. It shows Fred Baird coming down the stairs in the upper left:



Improving the Old Blade Image of Fred Baird

Unfortunately, the sketch in the Blade of Fred Baird is not very legible. The author checked with JMC, a photo restoration company in Bloomington. This company has done miracle work before in repairing old photographs for the author. JMC said they could not repair the photo because there was not enough data in the image to improve.

The author then contacted PaintYourLife.com, a company that hires artists to convert old photos or images to painted color, or charcoal sketches of an original. This company did an amazing job of making a new charcoal sketch of Fred Baird:

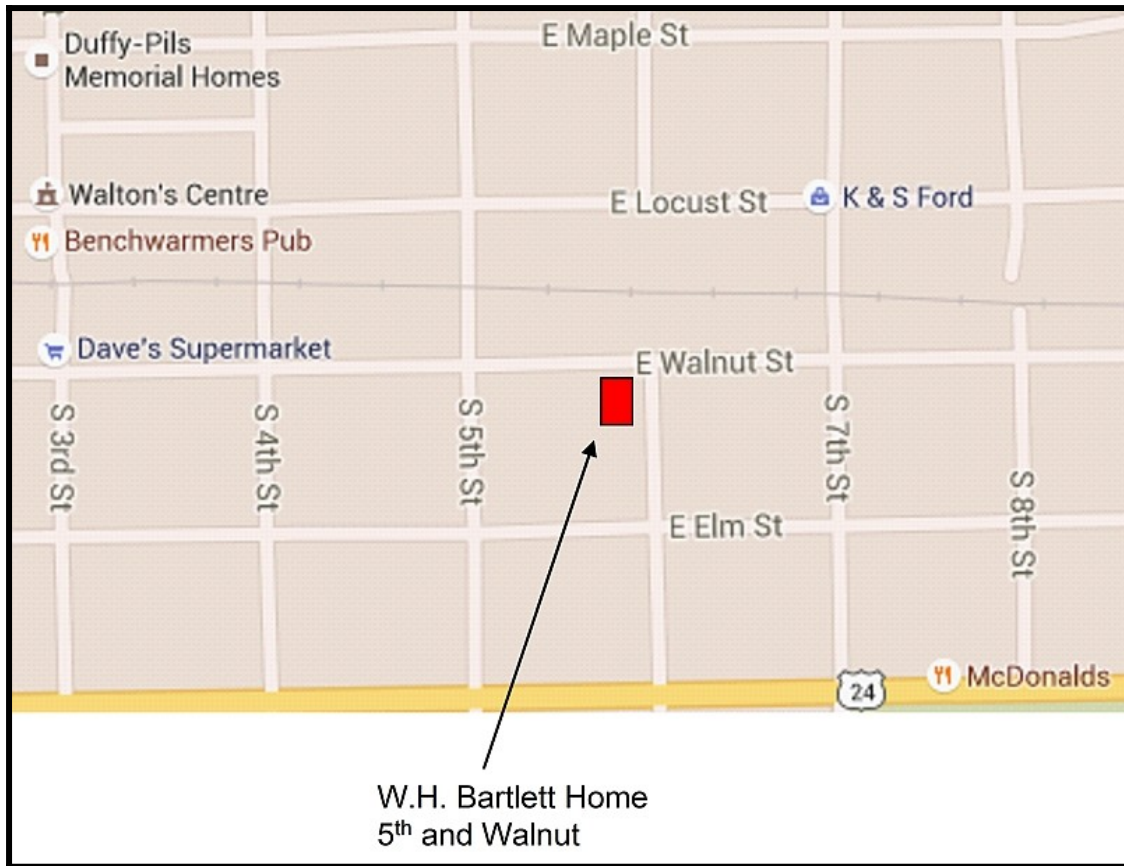


The author will probably donate the new charcoal sketch of Fred Baird to the Fairbury Echoes Museum:



House Where the Murder Took Place

The shooting of Fred Baird was at W.H. Bartlett's large home on the southwest corner of 5th and Walnut Streets in Fairbury.



Below is an older photo of this home:



Below are photos of this home taken in June of 2015. It has been converted to an apartment house.



In Alma Lewis James Nicks from the Blade, she paraphrased the Blade front page story on the murder of Fred Baird:

February 17, 1899 Practically the whole of the first page was given to the shooting of City Marshall Fred Baird by Sam Rightsell. Picture of Fred Baird, and drawing of the

cellar of W.H. Bartlett's' residence where the shooting occurred, and where Rightsell had ran to escape arrest.

Rightsell had been in a bad mood for some time previous over a writ of attachment for \$30.00 sued out by Dr. Thatcher. Constable Galloway had, in Baird's absence, levied on a horse and cow, taking them to Sampey and Beggs' livery stable. Rightsell went after Galloway and snapped his gun twice but it didn't go off. Then he ran for Harry Bartlett's house. Harry was gone and his wife was sick. The servant ran for Hi Taylor to report a tramp, and Hi called Baird. Baird was killed as he went down the cellar stairs. Rightsell gave himself up.

Below is another article about the murder of Fred Baird from an unknown source:

February 15, 1899

After Rightsell, the murderer of Fairbury's city marshal Fred Baird, entered the Bartlett basement, the hired girl, Miss Rosamand Bell, being greatly alarmed, went to the home of H.B. Taylor, a brother-in-law of Mr. Bartlett, and told him that a tramp had forced his way into the house and taken refuge in the basement. Mr. Taylor telephoned the facts to Policeman Baird, who with Mr. Taylor attempted to enter the basement down a winding stairway that led thereto, the officer leading, Mr. Taylor following him with a lantern, and when about half way down Rightsell opened fire with his Winchester, two or three shots being fired. Baird returned the fire but at a great disadvantage, as he could not see his antagonist. Finally a bullet from Rightsell's rifle struck Baird near the heart, cutting a button off his coat and driving the point of his star into the wound. Baird fell back into the arms of Mr. Taylor, who was behind him, and was dragged back up the stairs into the house and the door leading to the basement was closed and locked.

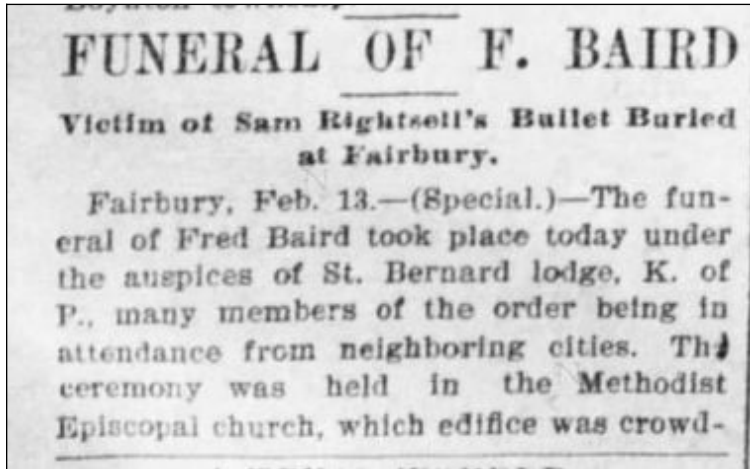
The alarm was given and soon the entire population of Fairbury was on the streets, and the greatest excitement prevailed, the perpetrator of the terrible crime being threatened with summary justice. A strong guard was placed around the Bartlett residence so as to prevent the escape of the murderer until the arrival about 9:30 that evening of Sheriff Talbott from Pontiac. It was decided to wait until morning before making any attempt to capture Rightsell. But about 3:00 o'clock in the morning, the sheriff decided to make another effort to communicate with the murderer, knowing that it would be much easier to protect the prisoner at that time from the the mob's violence than when daylight came and the people became fully aroused.

The murder was also covered in other newspapers including this article:

Samuel Rightsell killed Chief of Police Fred Baird in Fairbury. The coroner's jury at Fairbury found Rightsell guilty of the murder of Chief of Police Fred Baird, and held him for trial. [True Republican, 22 February 1899; Sub. by Pam Haag Geyer]

The Funeral of Fred Baird

A description of Fred's funeral was in the February 14, 1899, Pantagraph:



ed to its utmost, a good many being unable to gain admittance. Rev. Wilson, the pastor, was assisted by Rev. Wright of the Christian church in conducting the ceremony. The floral decorations were elaborate. The city officials, including the fire company, attended in a body. At the conclusion of the services in the church the remains were taken to the Cooper cemetery, five miles southwest, where they were laid to their final resting place besides those of his father.

JURY HOLDS RIGHTSSELL.

The coroner's jury in the Baird-Rightsell murder case completed their labors today and returned a verdict according to the facts already related in today's issue of the Pantagraph, finding Rightsell the murderer, guilty of this crime and requesting him to be held in custody where he now is. Reports today from the murderer are that he is suffering considerable pain.

The people are becoming reconciled, but no one apparently seems to feel sad on account of Rightsell's sufferings, as the reports from Pontiac indicate.

LEVIED ON A HORSE.

The trouble of Saturday leading up to the murder of Baird, grew out of a judgment for \$30 by 'Squire Zimmerman, against Rightsell at the suit of Dr. Thatcher, a physician at this place. Rightsell for some reason bitterly resented this and declined to settle the judgment. It appears that Constable Joseph Galloway went to Rightsell's house in his absence and levied upon a horse and a cow to satisfy the judgment. This still further inflamed Rightsell, who seems to have worked himself to a condition bordering on frenzy. He made vicious threats against the justice, the constable, Dr. Thatcher, and everybody who had had anything to do with the process to collect the debt.

The second part of this Pantagraph article is a little difficult to read. It is converted to text below for easier reading:

FUNERAL OF F. BAIRD

Victim of Sam Rightsell's Bullet Buried at Fairbury

Fairbury, Feb. 13. --(Special.)--The funeral of Fred Baird took place today under the auspices of St. Bernard lodge, K. of P. many members of the order being in attendance from neighboring cities. The ceremony was held in the Methodist Episcopal church, which edifice was crowded to its utmost, a good many being unable to gain admittance. Rev. Wilson, the pastor, was assisted by Rev. Wright of the Christian church in conducting the ceremony. The floral decorations were elaborate. The city officials, including the fire company, attended in a body. At the conclusion of the services in the church the remains were taken to the Cooper cemetery, five miles southwest, where they were laid to their final resting place besides those of his father.

JURY HOLDS RIGHTSELL

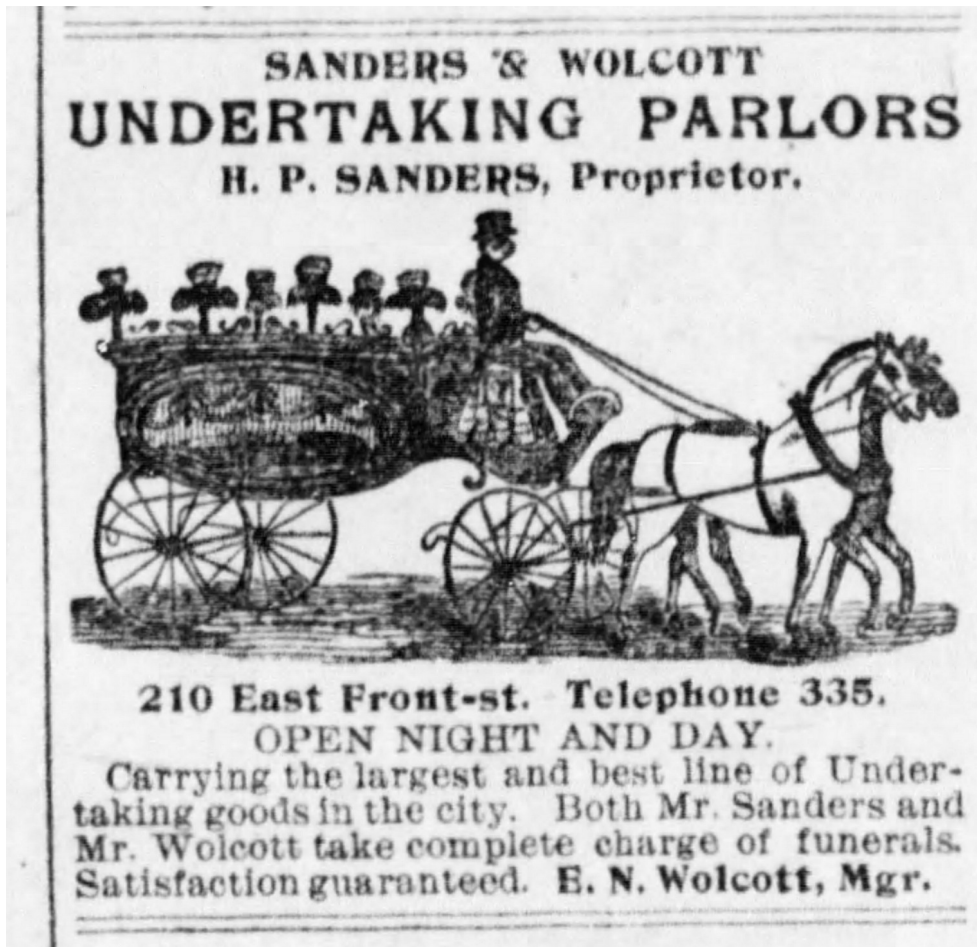
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There are no pictures available for the hearse that transported Fred Baird's body to the Cooper Cemetery. It is possible the horse-drawn hearse that was used was similar to a hearse advertised in the March 24, 1896, issue of the Bloomington Pantagraph:



Final Resting Place for Fred Baird

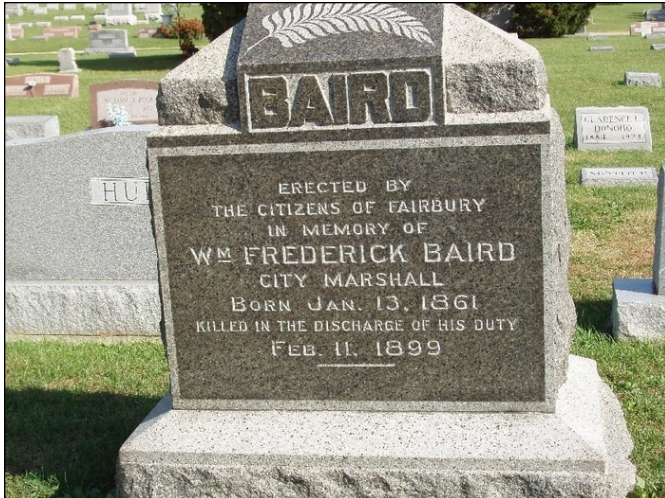
The February 14, 1899, Pantagraph story says that Fred was buried besides his father in Cooper Cemetery southwest of Fairbury.

Alma Lewis James in her Nicks from the Blade noted the following:

April 21, 1899

Fairbury is to erect a monument to Fred Baird. \$120.00 has been subscribed

Apparently the citizens of Fairbury followed up and had the remains of both Fred and his father moved from the little Cooper cemetery to the Fairbury cemetery (Graceland). They erected a very nice grave stone for Fred:



The gravestones of Fred's parents are show below:





The Trial

Fred Baird was murdered on February 11, 1899. The trial of Sam Rightsell did not take place until February of 1900.

In the April 19, 1899, edition of the Streator Times newspaper, an article was published saying that Sam Rightsell's wife would not pay for his lawyer for his murder trial.

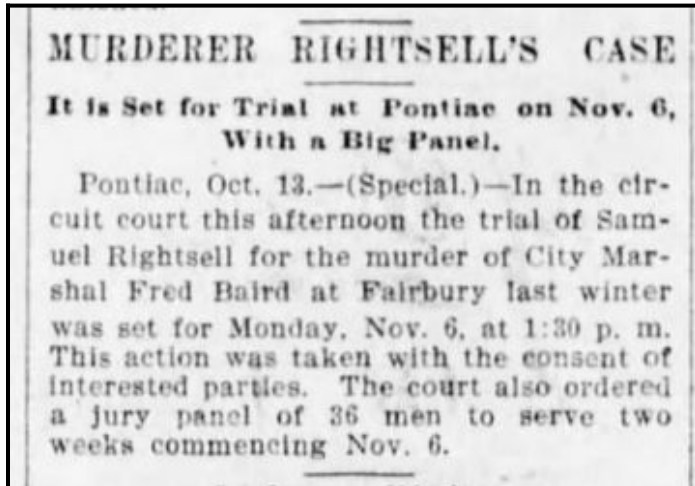
—It is said Attorney Geo. W. Blake, of Ottawa, will not appear as attorney for Sam Rightsel when the latter shall be tried for the killing of Fred Baird. Mr. Blake asks \$1,000 for his services. Rightsel some time ago turned his property over to his wife and children and so is not able of himself to raise that amount. It appears that Mrs. Rightsel declines to become responsible for the money and as it now appears Mr. Blake's services will not be secured.—Pontiac Leader.

Alma Lewis James noted in her Nicks from the Blade about the progress of the trial:

October 20, 1899 Trial for Sam Rightsell set for November 6, 1899.

November 3, 1899 Rightsell's case continued.

The Pantagraph also kept the public advised of the progress towards starting Sam Rightsell's trial:



The Pantagraph noted on February 7, 1900, that officials were really having a difficult time finding enough un-biased jurors. This murder case was so heinous that most of the population in Livingston County had already heard about this case. At least 130 people were excused from serving.

AVERAGE ONE A DAY

Eight Jurors in the Rightsell Case Accepted in Eight Days.

Pontiac, Feb., 6.—(Special.)—The process of securing jurors for the Rightsell case is still continuing under difficulties. This has been the eight day of the examining and only eight have been accepted. The 100 drawn from the box Saturday have been present awaiting their turn patiently but as yet only a few of those have been questioned. Already over 130 have been excused but it is thought the required number will have been obtained by Friday.

The Pantagraph noted on February 8, 1900, that a jury was finally selected for this case.

JURY IS SWORN IN

**Twelve Men at Last Secured to Try
Sam Rightsell for Murder.**

GREAT CROWDS IN ATTENDANCE

**Champaign Student is Accidentally Shot
—Other Specials to Pantagraph From
Central Illinois.**

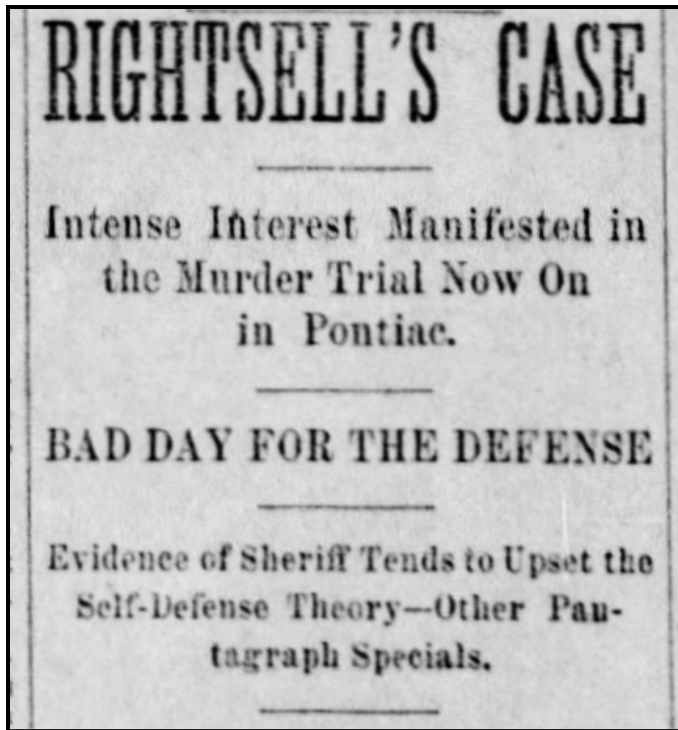
Pontiac, Feb. 7.—(Special.)—At last a jury has been secured in the Rightsell murder case and at 9 o'clock tomorrow morning the case will commence in earnest. One hundred and fifty-six were examined and the jurors accepted are as follows: Martin Fieldman, Charles Cottrell, Chauncey Street, George B. Gill, William Curtis, Martin Madden, F. B. Jamison, James Atteberry, Carl Reinmiller, William Telford, Frank Timm and A. N. Schnurr.

The court room was again overcrowded and all day Mrs. Rightsell and her sister have been constantly by the accused murderer's side.

About 4:30 o'clock, just as the last juror was accepted Mrs. Baird, the mother of Fred Baird, who was murdered, made her first appearance in court accompanied by her two sons. It was a dramatic incident.

The Trial

The February 10, 1900, edition of the Pantagraph covered the start of the trial. Here is a copy of the headline:



RIGHTSELL'S CASE

Intense Interest Manifested in the Murder Trial Now On in Pontiac

BAD DAY FOR THE DEFENSE

Evidence of Sheriff Tends to Upset the Self-Defense Theory - Other Pantagraph Specials

Pontiac, Feb. 9. --(Special.) - The taking of evidence in the Rightsell case continued today, and the most prominent witnesses were Hiram Taylor, Drs. Barnes and Otis, William J. Braun, James Morris, all of Fairbury, and Sheriff Talbott and Deputy Sheriff Hoke, of Pontiac.

Messrs. Taylor and Braun testified as to how they followed Fred Baird down the stairway, also as to how Baird when shot fell into the former's arms, saying, "I'm shot." Drs. Barnes and Otis then testified as to having found Baird in the kitchen in a serious condition and after administering anesthetics placed him upon a cot, where, upon careful examination, a bullet wound was found about two inches below the left nipple. They then cared for him until he died, about three hours later.

Sheriff Talbott was next called upon the stand and in substance stated that he arrived at Fairbury at 9:20 o'clock p. m. the day of the murder and immediately left for Bartlett's residence, where the murderer was. Upon entering the house he went to the stairway and called for Rightsell to come up, saying he would afford him protection. This Rightsell refused to do until certain parties left the room. This was agreed upon, and when he arrived at the top of the stairs, the sheriff relieved him of his revolver, rifle, and several bullets. A rig was then ordered and the sheriff and he, accompanied by Deputy Sheriffs

Hoke, Morris, and Ives, drove to Forrest. On the way the sheriff stated that Rightsell, upon being told that Baird was dead replied, "Why did Fred come down the stairs?"

In the opening statement the defense stated that Rightsell was shot by Galloway and it was thought they would bring in evidence whereby Rightsell thought Galloway was entering the cellar and he was shooting at him (Galloway). But now as Rightsell stated "Why did Fred come down the stairs?" it is almost conclusive that the prisoner knew who was entering the basement.

Confessions made by Rightsell to Sheriff Talbott upon being returned to Pontiac shows that that the claim of self-defense is apparently knocked out.

Dr. Barnes was next re-called to the stand and showed the bullet taken from Baird's body; one empty shell found in the cellar, also three empty shells found in the alleyway near the residence.

Never in the history of the Livingston county circuit court have so many attended a trial as the present. Deputies have been placed at each door and signs of "No admittance" were nearly always available. The prosecution stated this evening that they would have all the evidence in by tomorrow noon, and it is thought court would then adjourn until Monday morning.

PREVIOUS TESTIMONEY

On Thursday State's Attorney Blaisdel presented the opening remarks to the jury, followed by C.C. Strawn, representing the defense. These gentlemen occupied most of the morning and when they finished their addresses court took a recess until 1:15 p.m. Upon convening, R.A. Young, of this city, was called and testified that the plans presented were true plans of Bartlett's house, railroads, etc., which will be used from time to time at the case. Mr. Joseph Galloway, of Fairbury, was the next witness called. Mr. Galloway told the story as to he being a constable, and went and served an execution on defendant Samuel Rightsell on December 24, 1898. This the latter paid little attention to, and on February 11, 1899, Mr. George Galloway said he went to Rightsell's house and inquired for him, but he was not at the house. He then went to the barn and levied upon a horse and cow and stated it is a barn. About six o'clock that evening Rightsell went to see Mr. Galloway, and finding him at home wanted him to go to Justice Zimmerman's and try and arrange matters satisfactorily. This was agreed to, but Miss Myrtle Galloway, who had heard all of this conversation, would not let her father go without her. She walked between the two gentlemen all the way. Nothing definite could be arranged there, and when near the alley leading to Mr. Bartlett's residence, Rightsell insulted the constable, and pulling his revolver, attempted to shoot him. Fortunately for Mr. Galloway, the gun failed to discharge. Rightsell then ran into the alley, and the constable drawing his revolver, fired three shots, one of which lodged in Rightsell's hip. This was the last view of Rightsell that day by Mr. Galloway. Miss Myrtle Galloway, who had been with her father during the happenings that day, was the next witness, and told the same story as her father. Mr. Harry Bartlett, in whose house the murder was committed, was called next and gave the details as to the position he found Baird, also all details in regard to rooms, cellar, etc.

On February 12, 1900, the prosecution rested per this Pantagraph article:

THE STATE RESTS

**Prosecution Ends Its Presentation of
Evidence in Rightsell Case.**

THE DEFENSE MAY TAKE DAYS

**Church Dedication in Lincoln—Fire in
Mackinaw, and Other Specials to
the Pantagraph.**

Pontiac, Feb. 12.—(Special.)—The first witness called in the Rightsell case Saturday was J. A. Sheaff, who testified that Rightsell purchased a box of 38 cartridges on February 11 last year. E. Bills was next called and he stated he was talking with Rightsell in Sheaff's store and Rightsell said, "There are five or six men in town I want to get." Also after he got outside the store he said he would put it through Galloway before night, and would get even with Fred Baird and several others. James Stoller also testified that he sold Rightsell a box of cartridges.

Sheriff Talbott then swore as to the shotgun shells, revolvers, etc., taken from Rightsell. Deputy Sheriffs Hoke and Ives then corroborated this. When Attorney Sterling offered in evidence the clothing worn by Marshall Baird on the night of the murder a most pathetic scene was witnessed in the court room. Mrs. Baird, the mother of the deceased, was overcome with grief and had to be assisted from the court room. At noon the prosecution rested their case and court adjourned until Monday morning at 9 o'clock.

It is thought it will take a couple of days for the defense to present their side of the case.

The last day of the trial was February 14, 1900. The Pantagraph covered this also. The first portion of the article is very difficult to read and is converted to text below.

IS NEARING THE CLOSE

Rightsell Case Will Go to Jury Today--Defendant on the Stand

Pontiac, Feb 13--(Special) - The defense rested their case last evening and after two or three witnesses were called this morning by the prosecution the closing arguments were commenced. State's Attorney Blaisdel opened by stating penalties, etc., for a case of this kind, also went into details, occupying about four hours. Mrs. Funk followed Mr. Blaisdel and for about one hour and a half made a splendid case to the jury in Rightsell's defense. C.C. Strawn followed Mrs. Funk and occupied the rest of the day. Tomorrow attorneys Blake for the defense and Agard for the prosecution will argue, followed by C.C. Strawn and J.A. Sterling Wednesday. It is thought the case will go to the jury Wednesday evening.

The crowds today were the same as usual and both morning and afternoon the court room doors had to be locked in order to keep the crowd out. At the conclusion of today's proceedings Judge Patton remarked the audience kept such good order that he wished to thank them for it.



Judge George Patton

From 1900 Livingston
County History Book

The rest of this Pantagraph article is fairly legible, and is copied below as it appeared in the newspaper in 1900.

MONDAY'S TESTIMONY.

H. E. Powell was the first witness called Monday by the defense in the Rightsell case and testified that he was present at the Bartlett residence when Rightsell was in the basement and asked him if he could come down and see him, and as no response was evident he did not enter the cellar. The witness then produced the following statement, written just prior to Baird's death:

Witness asked—"Who shot you, Fred?"

A.—Sam Rightsell. I went down there. They told me there was a drunken man down there. I took the lead and High Taylor had the lantern and Sam shot at me. He shot first. I saw his face by the flash. I think I am dying. (Signed)

"FRED (his X mark) BAIRD."

"9:10 p. m., Feb. 11, 1899."

B. E. Bradshaw was the next witness, and testified that he was in the back room of Sheaff's store the afternoon when Rightsell and Bills had the conversation, but did not hear certain statements Bills testified to. Upon cross-examination it was found he was not in the room for any length of time.

Dr. Mauwarren and A. H. Santy were next called, but no evidence was secured.

RIGHTSELL ON STAND.

About 2 o'clock Sam Rightsell took the stand, and no less than 1,000 people crowded into the court room to hear his testimony. He was apparently in a very nervous condition and seemed very uneasy in the witness chair. Rightsell related the whole of the murder from the beginning to end, but several of his remarks were somewhat different from what he testified to before. J. A. Sterling conducted the cross-examination for the state and to his question Rightsell told how he purchased two boxes of cartridges, took over 100 he had home, got his two revolvers, then strapped his Winchester rifle under his arm and started out. After talking with Galloway north of Bartlett's alley, he said Galloway pointed his revolver at him and he ran and shot, the second shot fired had lodged in his hip. He then said he became unconscious, but on coming to shot his rifle off three times, but didn't know which way. Using his rifle as a walking stick he limped into Bartlett's kitchen and made his way to the basement. He was then so weak he had to lie down. In previous testimony it was

lie down. In previous testimony it was testified that Rightsell grabbed some parts of chicken on the table in the kitchen, but this he said he did not do, as he was too weak to eat. He then said somebody opened the door and started down stairs and that they shot first. He then returned the shot, and upon stepping back stumbled and again became unconscious and remained so until his first recollection was upon hearing the parties up stairs ringing the telephone and calling a doctor, stating that Fred Baird had been shot.

The defense rested their case about 5:30 o'clock and court adjourned until 9 Tuesday morning.

On February 17, 1900, the Pantagraph covered the final verdict of the trial.

HE GETS 20 YEARS

Murderer Rightsell Escapes With a
Comparatively Light Sentence.

END CELEBRATED PONTIAC TRIAL

Pontiac, Feb. 16. --(Special)--"We the jury find the defendant guilty in manner in form as charged in the indictment and we fix his imprisonment in the penitentiary for the term of 20 years.

Signed. Chauncey Street Foreman

This is the verdict returned in the Rightsell murder case after being out two and a half hours. As soon as it was learned the jurors had reached a verdict, the court room soon filled with anxious spectators and then came the officers of the court. As soon as these had taken their seats sheriff Talbott and Deputy Sheriff Hoke brought in the prisoner. He was looking bright and seemed greatly relieved when he heard he had only received 20 years. Before excusing the jury, Judge Patton very kindly thanked them for paying such strict attention and said that never before had he seen a more attentive act of men as jurors.

The announcement of the verdict was received with great surprise. State's Attorney Blaisdel said, "I do not see how any twelve men could have brought in such a verdict with the positive evidence produced. The attorneys for the defense seem thoroughly satisfied with the verdict, although a new trial has been asked for.

It is learned that on the first ballot, the jury stood 5 for hanging, 2 for life imprisonment, 1 for acquittal, 4 for imprisonment for 14 years up. Now that the trial is over it is generally admitted that a mistake was made in not getting a change in venue. It was the most difficult task to secure an intelligent jury in the county, because of the widespread notoriety of the case.

Citizens of Fairbury Outraged at the Verdict

The citizens of Fairbury were outraged at the fact Sam Rightsell only got a 20 year prison sentence as evidenced in this February 16, 1900, edition of the Blade:

Fairbury Blade

February 16, 1900

Twenty Years! The Jury in the Rightsell Case Returns a Verdict of Imprisonment for Twenty Years

They Were Out About Half an Hour

With Good Behavior He Will be Released in Eleven Years and Three Months

The jury in the Rightsell case gave the prisoner twenty years in the penitentiary. Think of it, twenty years, the ordinary sentence for a man that steals a pocketbook. What a premium to put upon a human life! There are not words in the English vocabulary that can express the surprise and indignation of the people of Fairbury. No one had the remotest idea the sentence would be less than life. W.W. Blake, the leading attorney for Rightsell, remarked the evening previous that they would be lucky if they saved his life.

The following are the jurors:

James Atterberry, stone mason, Pontiac

F.B. Jamison, laborer, Cornell

Martin Fieldman, farmer, Reddick

Martin Madden, coal miner, Pontiac
Chauncey Street, farmer, Pontiac
Charles Cottrell, farmer, Pontiac
William Curtis, farmer, Long Point
George B McGill, farmer, Ancona
Carl Reinmiller, farmer, Round Grove
William Telford, farmer, Union
Albert Scherr, farmer, Union
Frank Timm, farmer, Union

These are the men who evidently were willing to take the evidence of the prisoner rather than that of reputable citizens of Fairbury. The history of the crime is brief. Rightsell, who's reputation was bad, being having attempted to kill L.N. Boomer, a number of years previous, besides having had trouble with his wife and a number of officers of the law, starts out to kill Joe Galloway. He arms himself with two revolvers, a Winchester rifle, and almost 175 rounds of ammunition. He tells E. Bills that he is going to put a ball into Galloway, and also names every officer in the town as men he has it in for, the murdered man among them.

He goes to Galloway's house after dark and calls him out. Two blocks and a half from the house he tries to kill him but his revolver missing fire, he runs into Bartlett's cellar after firing his Winchester twice at Galloway from behind the barn. He lay in wait for anyone who may enter the cellar and it happened that Officer Baird, one of the best and most trustworthy policemen ever in Fairbury was sent for. No sooner had his body become visible to Rightsell, that it became the target for him and he sent a messenger of death out of his deadly Winchester into the breast of the unsuspecting officer, who did not even know who he was going after. Did Rightsell know who was coming down the cellar? The light was held by H.B. Taylor so that the rays reflected upon Officer Baird. Baird did not look like Joe Galloway in the slightest degree. After many hours he comes up out of the cellar and given protection from the law abiding citizens of Fairbury, people who believe in justice and were willing to let the law take its course, and his is the justice that was meted out to him by the jury of twelve chosen from among the people of Livingston County. A twenty year sentence, meaning a total of eleven years and three months if he behaves himself. Well, there were fifteen men in the county outside the counsel for Rightsell who believed the prisoner could not get a fair trial in Livingston County and made affidavits to that effect. Attorney Strawn could probably get one or two more now.

Rightsell's testimony

Sam Rightsell, and the defendant in this case, has lived in Livingston county thirty-eight years. Have a wife and five children. Business February last, house moving. At this point witness begins to suffer from bullet wound in his back and appeared to be in considerable pain. The day before Baird was killed, was hauling coal in the fore-noon. Got sick and got some medicine from Dr. Otis. Went to bed in the afternoon. Had cold and cough. Ate

very little. Suffered from piles. Was in bed until ten o'clock the next day. Had headache. Felt too bad to work. After dinner, walked to a man's house to talk about some work. Talked to him half or three-quarters of an hour. Got to feeling bad. Went home almost half-past three.

Learned that my horse and cow had been taken away. Went to Sheaff's, saw Bills and Bert Bradford, believe Hallock was there, bought cartridges, witness detailed conversation with Bills and denied that he had used language as sworn to by Bills in regard to needing cartridges worse than to trade. Never showed cartridge and said he would put it into Baird or anybody. After I left Sheaff's, went east and met Dr. Thatcher, went to the livery stable again, staid there ten or fifteen minutes. Thence to Thatcher's office where I remained five or ten minutes. Went home for about an hour, took some medicine, ate a little, and sat by the stove for a few minutes. Then put my two revolvers in my side pockets, found my gun, and went to the livery stable. Had had one revolver fifteen years and the other twelve years, gun about five years. Here he told about the buying of other cartridges at Stoller's. Went from the livery stable to Galloway's house to see if he would release stock. I said to him, I see you have some of my stock in the livery stable. He said, what are you going to do about it? If you don't settle, I will sell it. I said, can you release them? Galloway said maybe Zimmerman could. We started uptown, Galloway, and his girl, and myself. The girl said, Pa has got to do as they want him to. Galloway said, Sam, go milk that cow. I said, thank you for the milk, but milk her yourself. He said, Sam, I have to do as they want me to do. Witness detailed visit to Zimmerman's where Galloway went to the door and how Zimmerman said matter was out of his hands and referred to Thatcher. We started towards town, the girl walking between. Galloway again spoke to me about milking the cow. I said I didn't want to milk her, they could have the milk. Myrtle said thank you Mr. Rightsell, we have money to buy milk. I asked Galloway if he thought there would be enough property to pay the execution. He said if not, he would get more. I said, blank you fellows are robbing me. Galloway said look out. The girl jumped and screamed. Galloway had his hand on his revolver. I started to run. Ran about twenty feet and he shot me down. Did not shoot at Galloway. Fell down on the ground and laid there. Had my mittens on. Tried to shoot my revolver, but could not. Tried the gun, shot it off two or three times. Was on my back. Did not see anybody anywhere. Did not shoot anybody. Used gun for walking stick and got up. Got to house and went in. Asked the girl to let me go down cellar. I said, hurry up. They are after me. The girl did not reply. I kept saying they were after me. She went away. I went to the door, which happened to be the cellar door and went down. Never tried to shoot Galloway. Never snapped a revolver at him. Galloway shot twice, two minutes between shots. Was in the alley twenty or twenty-five minutes. The gun was exhibited. Laid down on my face to get easy. Had the gun in my hand. Heard the door open up above. I gets up on my hands and knees. I leans against a little table on the east side with my back to the wall. Then I held my gun and hollered, halt. Thought Galloway was after me. Then there was a shot come down the stairway. As the second shot came down the stairway, I shot back. I backed over to the north a little bit. My foot caught in a piece against the door and I fell backward. Next I remember I heard someone telephoning for a doctor. Said Baird was shot. That was the first time I knew Baird was in the house. Thought it was Galloway was shot. Laid down on the floor. Thought I was dying. Witness detailed the events leading to his giving himself up, his evidence as to that

did not essentially differ from that of the other witnesses. Witness details story of the trip to Forrest. First time they took his handcuffs off was in Carmon's restaurant. Did not know who was shot until I read it in the newspaper. Witnesses called in rebuttal were H.B. Taylor, S.J. Perlee, W.H. Bartlett, Ide Harris, and A.E. Chapman. They swore they were in the alley the next morning and that there were no marks in the snow or anyone had fallen down, or any marks visible three feet from the fence.

Taking Sam Rightsell to Prison in Joliet

This was the biggest murder case in Fairbury's history. It is theorized the newspaper editor thought it would make a great story (and consequently sell a lot of newspapers) if he accompanied Sam Rightsell on the train to the Joliet Prison.

The February 26, 1900, edition of the Blade covers this story.

February 26, 1900

Begins His Sentence

Monday afternoon Samuel Rightsell was brought into court and his attorneys made a motion for a new trial and suspension of judgment. Judge Patton overruled both motions and they were withdrawn. Judge Patton then asked Rightsell if he had anything to say and he replied, "No, I guess not." The judge then gave him his sentence, which was twenty years in the penitentiary, thirty days of which in solitary confinement, and the remainder at hard labor.

Wednesday morning the writer in company with Sheriff Talbott and the prisoner boarded the Chicago & Alton train for Joliet. Rightsell smilingly accepted a cigar and after a few puffs seemed to have forgotten his troubles and was the Sam as of old. He asked many questions about Fairbury and the improvements going on there. He displayed but little nervousness until the town of Dwight was reached. The train made a long stop at this place and it soon became known about that he was on board and the people gathered on the outside and stared at him, causing the perspiration to break out on his face. He displayed but very little symptoms of being in pain and when asked if he suffered much he merely grinned and looked out the window. In fact, that was the only reply he would give to any questions having any bearing on his case. He expressed no regrets, but made one or two comments, one of which was that Sheriff Talbott get the warden of the prison to give him an easy job. Another one, which he put in writing, was that the rifle with which he killed Fred Baird be given to C.C. Strawn and G.W.W. Blake be given the choice of his revolvers.

The train arrived at the prison at 12 o'clock. On the way up to the prison doors the Sheriff called to Rightsell's attention to the motto cut in the sod, "Cease to do Evil, Learn to do Good," and he remarked that that was a great thing to have staring a man in the face. In a moment more and the massive front doors were opened and closed with a clang, and he was within the walls of the prison and commenced to serve his sentence.

We here bade him good bye, not expecting to see him again and he was given over to the charge of one of the guards and Sheriff Talbott and the writer were escorted to the officer's dining room where we enjoyed our first dinner at the state's expense, a privilege accorded all visitors who are present at the dinner hour.

After dinner we were taken in charge of Deputy Warden Captain Lake, a pleasant and affable gentleman, who perhaps has as there an understanding of criminals and how to deal with them as any man engaged in the business, and under his escort made a tour of the prison. We were shown where the chair factories of which there are two, each of them turning out 15,000 chairs a day from the rough wood. The mammoth shoe factory, the power houses, the woman's department in which there are confined about 73 women of all ages, employed in making chairs and laundry work. He also showed us the "solitary" cells in which prisoners are confined for misconduct. They are about 16 feet long and 8 feet wide and have a grated window about 12 feet above the floor; their furniture consists of a two-inch plank about 18 inches wide upon which the culprit rests. The captain remarked that the prisoner generally used that side as the feathers were most all worn off the other. They were given a loaf of bread and a jug of water each day during confinement. Captain Lake said that prisoners very seldom violated the prison rules after they came once to understand them.

At the hospital we again met Rightsell. The physician in charge had just finished examining him and he was getting on his coat. His mustache had been shaved off and he had been fitted out with his new suit which is a blue-gray color with cap to match. He bade us good bye again and the last we saw of him he was hustling across the prison yard on double quick time in charge of a guard.

The surgeon in charge had made a careful examination of Rightsell and located the ball, which had entered his back near the spine, in his abdomen. When asked if he thought it probable that the wound would ever give him any trouble he inquired how long it had been in there. When told the length of time he said, "No, it will never trouble him in the least as it has now become a domesticated substance and it surrounded with a tissue, making it the same as if it had been there always." The doctor further said that there was only a very slight chance that the spine had been injured, but that if it was it might some day result in paralysis of the lower part of his body, he thought this improbable however. Rightsell was in good physical condition and perfectly capable of going to work at once. Just previous to leaving the prison we questioned Captain Lake in regard to the thirty days solitary confinement and the work the prisoner would be placed at. He said that he would be put to work in the rattan and caning department of the chair factory. The work in this department is comparatively light. As to the solitary confinement the Captain informed us that there would be no solitary confinement.

Illegible...that gave the judge the right to sentence a convict to solitary confinement but that it had become absolutely obsolete and prison officials paid no attention whatsoever to such sentences. When the prisoner enters the prison walls he is no worse off than the man who is in for petty thievery.

Rightsell gets no solitary confinement unless he commits a misdemeanor against the prison rules and it is very probable that this will never happen as he was meek as a lamb

in the hands of the guard. He went to work about three hours after entering, having in the meantime been fed, bathed, clothed, and examined by the doctor.

No intervening Providence preventing, he will be released in eleven years and three months from the time he entered. During his stay there, he will have to work at least no harder than the average laboring man. He will receive three good wholesome meals each day, unless he gets unruly, have a very comfortable bed at night, go to Church on Sunday, have access to upwards of 13,000 volumes of the best literature and an electric light to read by in the evenings, will be shaved, take baths and be clothed and also have the services of a splendid physician and trained nurses in case he gets sick.

There is no doubt Rightsell will be well cared for and have a comparatively easy time if he behaves himself. It is the innocent wife and children who are left in destitute circumstances who will have to suffer. It is no easy task for an able bodied man to make a living with his hands alone, for a family of six, a wife, and four children, whose ages range from two to eleven years, let alone a frail woman. It looks like an impossible task for her and the people of Fairbury should deal mercifully with her and her worse-than fatherless children upon whom the ignominy will fall. It would be better perhaps, if homes could be found for the children elsewhere.

The After-Math

Fred Baird Family

Since Fred was not married, there was no surviving spouse or children.

As stated above, the citizens of Fairbury donated money to move Fred and his father's bodies from the little Cooper Cemetery to the Fairbury cemetery. They also erected a very nice memorial grave stone for Fred Baird.

Sam Rightsell Family

Sam was sentenced to twenty years in the Joliet Prison. He shows up in the 1900 census:

Name:	Samuel Rightsel
Age:	40
Birth Date:	May 1860
Birthplace:	Illinois
Home in 1900:	Joliet, Will, Illinois
Race:	White
Gender:	Male
Relation to Head of House:	Prisoner (Institutional)
Marital Status:	Married
Marriage Year:	1883
Years Married:	17
Father's Birthplace:	Pennsylvania
Mother's Birthplace:	Ohio
Occupation:	View on Image
Neighbors:	View others on page

His occupation was listed as chair maker. However, in the census, all the other prison listed with him are Joliet Prison inmates, and most of them are chair makers as well.

Chairmaker	0
Cooper	0
Factory Shoe Maker	0
Factory Shoe Maker	2 mo
Chair maker	3 mo
Chair Maker	0
Cooper	0
Chair maker	0
Factory Shoe maker	0
Chair maker	0
Cooper	0
Day laborer	0
Chair maker	0
Chair maker	0
Chair maker	0
Shoe maker	0
Chair maker	0

This was back in the time where prisoners often did contract manufacturing work for companies.

If Sam Rightsell was released in 13 years with good behavior, he would have been released in 1913. If he served the full 20 years, he would have been released in 1919.

Death in Joliet Prison

An article in the September 24, 1903, Streator Free Press newspaper published the following story.

—It is reported that Samuel Rightsel, who is serving a twenty-one years' sentence in the Joliet penitentiary for the murder of City Marshal Fred Baird, at Fairbury, three years ago last February, is gradually dying in the penitentiary from the effects of the wound received in the leg prior to his capture.

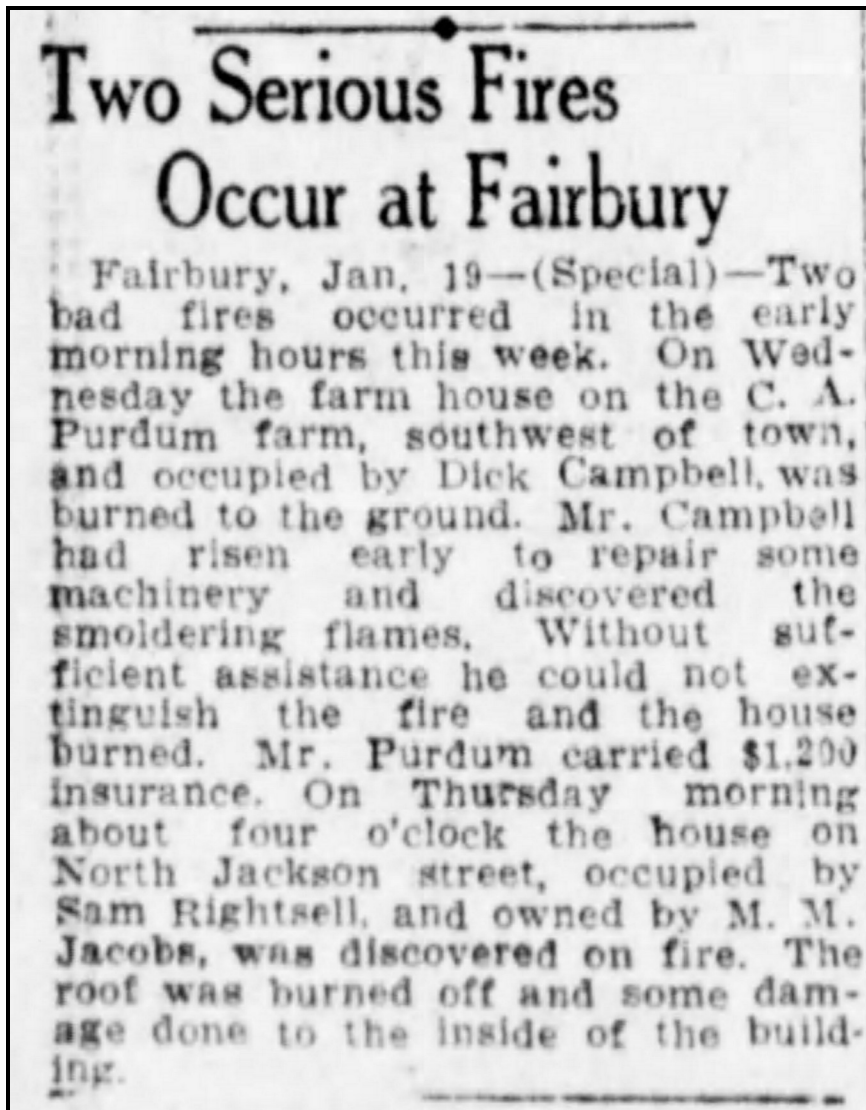
At this point in time, it was just three years since the murder happened in Fairbury. Seven months later, the same newspaper published a death notice for Sam Rightsell in the April 7, 1904 edition.

—News that Samuel Rightsell died at the Joliet penitentiary Friday night was received at Fairbury Saturday afternoon. It will be remembered that Rightsell was ordinarily of a quiet disposition but with a very bad temper, and when he fell out with anyone the party would have to watch him very carefully. He got into considerable trouble and of course fell out with the officers of the law, and while in one of the terror spells he shot and killed Policeman Fred Baird.

—
WEDNESDAY

Only one record could be found for Sam Rightsell after his death.

In the January 20, 1923, edition of the Bloomington Pantagraph, we find mention of Sam's house in Fairbury:



It is theorized the newspaper was mentioning the house his wife and children lived in.

Lawmen

The murder of Fred Baird was one of the biggest crime cases in Livingston County in this time period. Both Livingston County Sheriff Will Talbot and Deputy Sheriff Charles Hoke played prominent roles in this case. This murder case was one of the highlights of their careers in law enforcement. This famous case is mentioned in their biographies in the book ***Biographical Record of Livingston and Woodford Counties, Illinois*** published in 1900.

An excerpt from Will Talbot's biography is as follows:

He was then appointed deputy sheriff and filled that position two years. As a Republican he has taken an active and prominent part in local politics, and in 1898, out of five candidates, received the nomination of his party for sheriff. He was elected by a majority of fourteen hundred and thirteen, though the usual majority was less than ten hundred, it being the largest majority ever given a candidate in this county. He assumed the duties of the office December 5, 1898, and up to the present time has had charge of over two hundred criminals and has proved a most efficient and capable officer.

He worked up the case of the Cornell Bank robbers, the Rightsell murder case, and a great many others, such as horse stealing, highway robbery, etc.

As a detective he has been remarkably successful, and he has also performed a large amount of civil business in a most satisfactory manner. The duties of the office have never been more ably or satisfactorily discharged than under his administration, and he is certainly the right man in the right place.

An excerpt from Charles Hoke's biography is as follows:

He was a delegate to most of the county and state conventions of his party, and served as deputy sheriff for Odell under Sheriff Wilson for two years; four years under T. W. Coe, and four years under E. O. Reed, the present county treasurer.

He was also prominently mentioned as candidate for sheriff in 1897, and received the second highest number of votes, W. L. Talbott being the successful candidate of the seven in the field. Mr. Hoke made a thorough canvass and after the election was at once appointed chief deputy by Sheriff Talbott.

Since then he has been a resident of Pontiac, and now owns a beautiful home at No. 610 East Madison street. In his present position he has had charge of a number of noted criminals, including Samuel Rightsel, convicted of murder at Fairbury; and the six bank robbers who looted the Cornell Bank. He has proved a most efficient and satisfactory officer, being prompt and faithful in the discharge of his duties and true to every trust reposed in him, whether public or private.

Summary

Sam Rightsell had a long history of trouble with the law. On the other hand, Fred Baird was one of Fairbury's favorite citizens. Not only was he City Marshall, but he was Foreman of the Fairbury Fire Department.

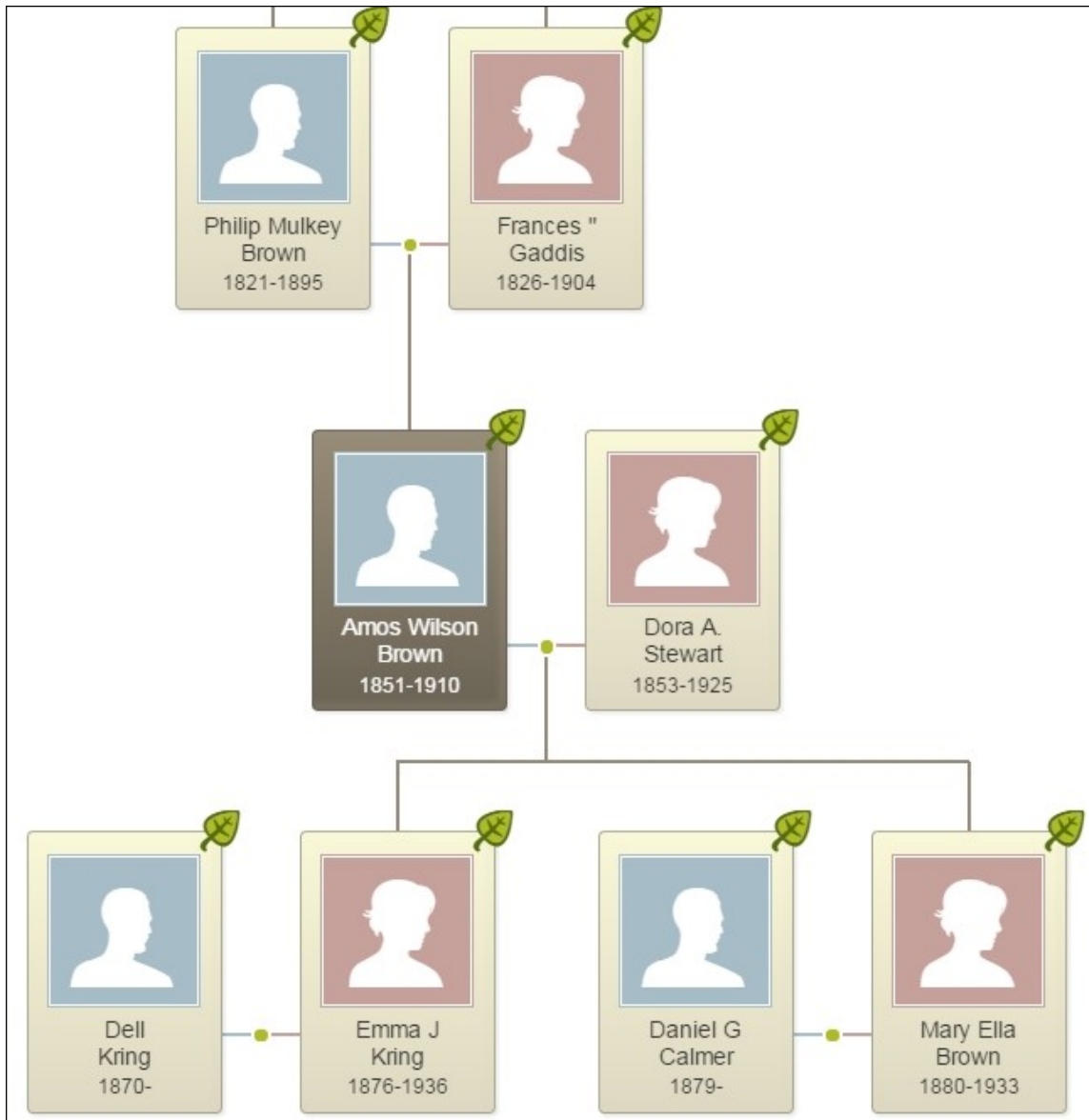
Juries are not very predictable. The first vote of this jury covered the full range from acquittal to hanging. We will never know what went through the juror's minds and why they only gave him a twenty year sentence.

CHAPTER 5

1910 Murder of City Marshall Amos Brown

Amos Brown Family Tree

The family tree of Amos Brown is shown below:



Amos Brown's father was from Livingston, Tennessee. His mother was from Putnam County Indiana.

There were about 12 siblings in Amos's family. They are not shown in the family tree above for clarity reasons.

Amos Brown married Dora Stewart in 1873.

As noted in the previous chapter about the murder of City Marshall Fred Baird, Amos Brown served with Fred Baird on the Fairbury Fire Department.

FAIRBURY, Livingston Co., population 3,500; fire area 200 acres; mercantile buildings, brick and iron, 2 and 3 stories; private, wood, 2 stories; wooden roofs not permitted; fireworks ordinance. Fire department—several ladders, 1 hook and ladder truck, 2 hose carriages; hose, cotton good 1,200 ft; value of fire department equipment \$1,500; value of buildings occupied \$5,000; total ann expenses of department \$400; total membership 14; bell alarm. Foreman, Fred. Baird.

WATER SUPPLY—Source, not stated; system, pump to tank; capacity of tank 60,000 gals; dy capacity 57,600 gals; 12 fire plugs; pipe 1 mile, 8 in diameter; pressure 75, pump gives 175 pounds. Supt, Amos Brown.

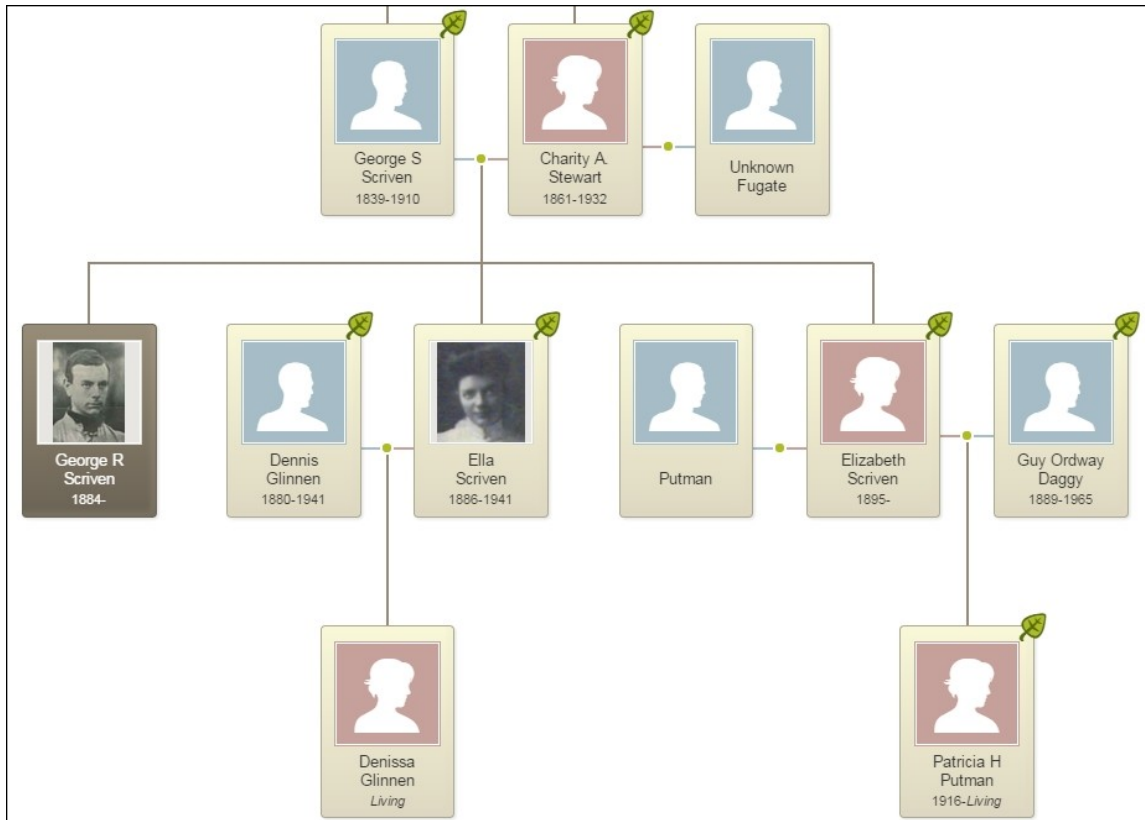
Amos Brown was the Fire Department Superintendent and the Foreman was Fred Baird. Amos and Fred fought the huge 2nd Walton's fire together on the Fire Department.

Amos succeeded Fred Baird as a Fairbury City Marshall after Fred was murdered.

When Amos was murdered by Ray Scriven in 1910, he was 58 years old.

Ray Scriven Family Tree

The family tree of Ray Scriven is shown below:



Ray Scriven's father was from New York and his mother from Ohio. Ray's father George died shortly before April of 2010. Ray's father died a short time before he murdered City Marshall Amos Brown.

Ray's mother re-married to a Mr. Fugate. His first name is unknown at this time. He died before the 1920 census was taken, because Ray's mother told the census taker she was a widow.

Ray Scriven played on the 1903 Fairbury High School football team per this old photo:

2



1903 FAIRBURY HIGH SCHOOL team "hardly ever" lost at home according to H. B. Bedell, who explained that threats from spectators sometimes rattled the players.

Pictured from left to right in the front row are Tom Westervelt, Peoria attorney; Harry Perlee, a retired postal worker at Rockford; Fred Carrithers, retired army officer now living in Colorado; Ray Champman; and Clarence Dexter, who died about 15 years ago. Tackle Dan McLain, who died in Chicago 15 years ago is in the

second row: Merle Gaudineer, of California; Jim Walker, later a minister at Rolla, Mo.; and Gary Veeder, who died in Pennsylvania. Ray Scriven, [redacted]; Prof. Friedman, manual training teacher and coach; Fred Perlee, killed about 20 years ago by a hit-and-run driver in California; and Bedell, who played tackle, fullback, and just about anywhere they put him.

We will return to this old photograph later in this chapter.

Ray's sister, Ella Scriven was also a good athlete per the 1905 Fairbury High School Yearbook at the Dominy Memorial Library.

Girls' High School Basket Ball Team, 1904-'05

Captain, ELLA SCRIVENS. Manager, EMMA SCHNETZLER.

This was a very successful year for the team although most of the girls were new players. They started practising in November and played out of doors as long as the weather permitted. The first game was played December 2, 1904. This game was between the two high school teams. It was played principally to secure money for the rent of the hall.

Ella Scrivens, the star forward, will be the only loss to the team, next year, as she intends going "west." Grace Brydia is also a very good player. She played forward during the first part of the year, but later, Bernice Farrel, the regular center, moving away, she was placed in center, which position she filled very well. Anna Loughran was then placed at forward. She did very well in the Pontiac games.

Rosamond James and Emma Schnetzler played guard and did their work well. Lillian Hassenfratz played a good center guard. Bethel Brewer was also a good player and was able to take any position.

Out of nine games played, seven were won. It is hoped that there will be as good a team next year as there was this.

Schedule 1904-'05

Midgets 18—Meteors 13.
Piper City 6—Fairbury 35.
Minonk 1—Fairbury 21.
Dwight 32—Fairbury 7.
Meteors 12—Midgets 6.
Normal 13—Fairbury 4.
Piper City 10—Fairbury 20.
Pontiac 7—Fairbury 15.
Pontiac 18—Fairbury 20.



GIRLS' BASKET BALL TEAM

It is assumed that Ella Scriven is the tallest girl in the center of this old photo. She also looks similar to pictures of her brother, Ray Scriven.

To give a flavor of what life was like circa 1905, two advertisements were taken from the 1905 Yearbook:

SPITZ-SCHOENBERG
"TWENTIETH CENTURY"
GARMENTS

GET THE HABIT
of Buying
Your Clothing and Furnishings
FROM
N. L. Wann
Fairbury, Illinois



WALTON BROS. CO.

FAIRBURY, ILLINOIS

LEADER OF FASHIONS LOW PRICES

Our Store is headquarters of all the stylish men's and women's wear. We always have the newest and most up-to-date merchandise. Added to this the almost endless variety we carry in stock makes **OUR STORE**

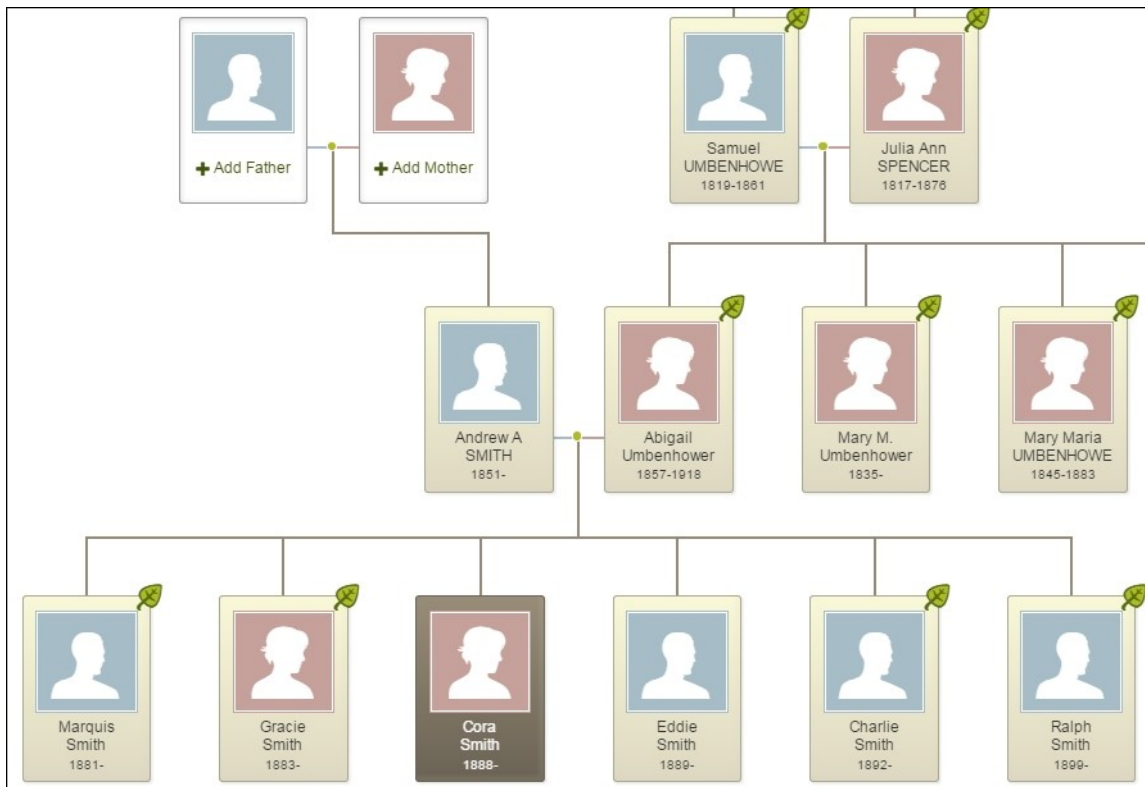
The Place to Buy Everything

We cordially invite you to visit our store and see the many attractive values we offer. We take great pleasure in showing our goods. Everything as represented or money refunded.



Cora Smith Family Tree

The family tree of Cora Smith is shown below:



Cora's father was from Indiana and her mother was from Champaign. The author was unable to determine who Cora married. She is not buried in Fairbury's Graceland cemetery per the Livingston County cemetery book.

Cora was 22 years old in 1910 when the murder of Amos Brown occurred.

Temperance Movement

The temperance movement, or movement to eliminate or reduce alcohol consumption actually started in America after the Civil War. By the early 1900's, this movement had gathered steam across the country.

A typical poster from the early 1900's is shown below:

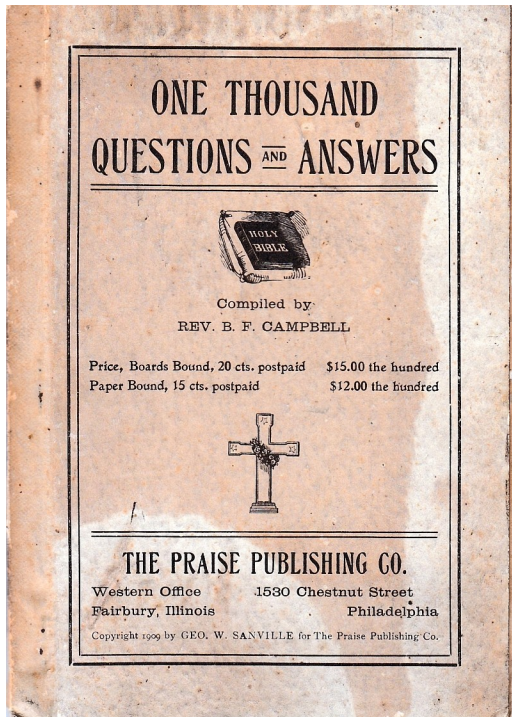


Here is another poster that showed the progression from just having a drink with a friend to death by suicide.



Many Fairbury citizens took part in the temperance movement. A publishing firm, The Praise Publishing Company, advertised as being from Fairbury, Illinois. They published religious books including temperance movement songs.

The author bought a 1909 book that was published by the Praise Publishing Company with their western office in Fairbury, Illinois.



According to newspaper accounts, Fairbury voted to go "dry" from 1908 until 1910. After being closed for two years, the Fairbury saloons opened back up shortly before Ray Scriven murdered City Marshall Amos Brown.

The Murder

The May 6, 1910, issue of the Pantagraph newspaper covered the murder of City Marshall Amos Brown:

MURDER AT FAIRBURY

City Marshal Amos Brown
Shot Dead Last Night by
Ray Scrivvens.

SLAYER IS AT LARGE

Had Been Drinking Heavily All
Day, Saloons Having Just
Opened.

DETAILS OF THE TRAGEDY

Fairbury, Ill., May 5.--(Special.)--City Marshall Amos Brown was shot dead about 9 o'clock tonight by Ray Scrivvens, the bullet from Scrivvens' revolver going thru Brown's left wrist and his heart.

Story of the Crime.

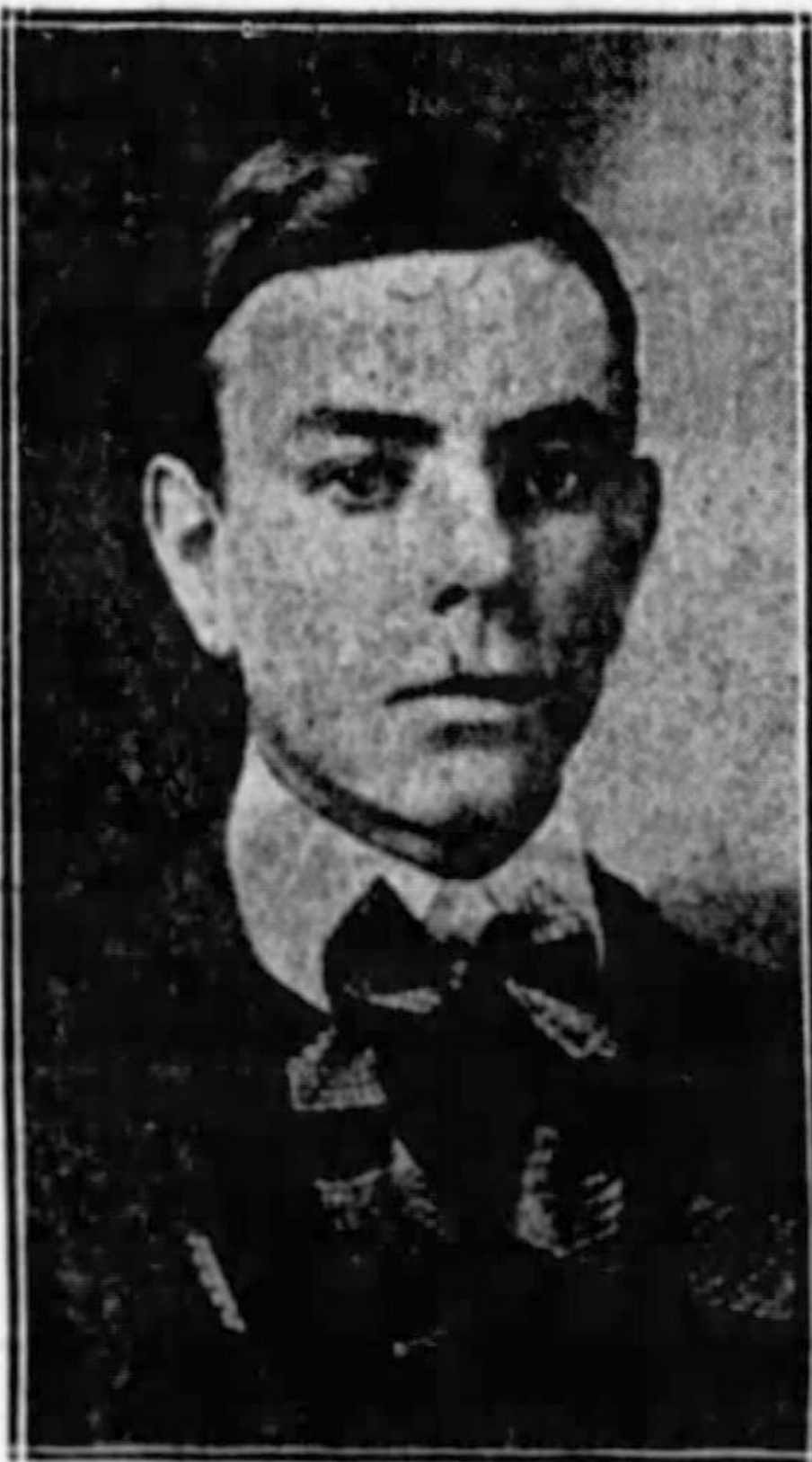
There are many conflicting stories as to the causes of the crime, but from the mass of rumors it is believed that the following story is substantially the correct one:

Miss Cora Smith came to town this evening to mail a letter on the 8:21 T.P. & W. train. In front of Lovett's restaurant, just south of the post office, she met Scrivvens. It is alleged that Scrivvens had been drinking, saloons having opened in Fairbury today for the first time in two years. According to Miss Smith Scrivvens said that he was going to kill her.

Meets Him Again.

She then went to the train, mailed her letter and started west. She met him and he began to yell and make himself very obnoxious. Miss Smith walked with him to the post office, then to the First National bank corner and on down to the Record office. Here he became so very obnoxious to her that she left him and walked east. Before leaving him he told her that he would lay in wait for her.

The Pantagraph continued its coverage of this crime on the next day's issue as well. This story included portraits of Scriven and Amos Brown:



ROY SCRIVEN.



Amos W. Brown

Born at White Oak Grove, Woodford County, Illinois, December 12th, 1851.
Served as police officer of Fairbury for 27 years. Killed in the discharge of his
duty Thursday evening, May 5, 1910.

The headline section of this story is shown below. The rest of the story is converted to modern type for to make it easier to read.

THE FAIRBURY MURDER WAS PREMEDITATED

SCRIVEN HAD MADE THREAT

Coroner's Inquest Brings Out That
Murderer Had Said He Would
Kill Marshal Brown Be-
fore Morning.

EFFORTS TO ARREST ARE FUTILE.

Further Details of the Tragedy Which
Has Caused Sensation Thruout
Livingston County.

(By Staff Correspondent.)

Fairbury, Ill., May 6.—The jury em-
paneled by Coroner Snyder to investi-
gate the death of Amos Brown, who was
killed by Roy Scriven Thursday night,
returned a verdict at 1:35 this afternoon
which read as follows:

"We, the jury, find that he came to his
death by a gunshot wound inflicted by the
hand of Roy Scriven while said Amos
Brown was in the discharge of his official
duties as city marshal. We recommend
that said Roy Scriven be held to await
action of grand jury when apprehended.

(Signed.)

"J. F. GOUDY, Foreman,
"GEORGE H. FRANZEN,
"A. F. CORSER,
"J. C. KESSLER,
"C. C. HOLLENBECK,
"J. H. M'FADDEN."

Meets David Henry

Miss Smith returned to the bank corner and then started west. David Henry called to her and she went north to Walton's corner and there talked a few minutes with Henry. They then started south and saw Scrivvens standing in front of Lovett's restaurant. They turned and went back to Walton's corner and started west again, meeting R.J. Codlin, deputy sheriff, to whom she told the threats Scrivvens had made. She and Henry continued west and in front of a garage met Brown and told him of Scrivvens' actions.

Brown Accompanies Them

Marshal Brown told her to go home and that he would go with her. The three started west, but Henry only went a short distance and then turned back east. Brown accompanied her as far as the railroad and sent her home, saying that he would watch and see that she was not molested.

Brown Meets Scriven's

Brown started back up town and met Scriven at the corner of First and Main streets, near Churchill's elevators. He told Scriven to go back down town, but the latter said that he would not. Brown took hold of his arm and started to take him back to town. Scriven again told Brown to let go, but Brown persisted and Scriven warned him that unless he released him he would shoot him. Brown clinched with him and Scriven pulled a revolver and fired. The bullet went thru Brown's wrist, entered the body just under the left nipple and penetrated Brown's heart.

Heard Scriven' Threat

Wilson Kelso was one of the persons who heard the quarrel preceding the fatal shooting. He says that he heard the loud talking and finally heard the voice of Scriven say:

"Let go of me or I'll kill you."

An instant later the shot from Scriven's' revolver rang out on the night air and Kelso ran to the scene and found the marshal lying dead.

Tells Girl of Shooting.

Scriven, after killing Brown, ran south and overtook Miss Smith. He told her that he had shot Brown, but did not know if he had killed him. Miss Smith asked him why he did it and he said it was because Brown had stopped him on the street. He than ran west on Water street and disappeared.

Sheriff is Notified.

Sheriff Morris of Pontiac was as once notified of the crime and with his deputies jumped into his auto and started for this city. A large number of men are scouring the country, but up to a late hour had obtained no trace of the slayer. It is said that two men saw Scriven enter his mother's home after the shooting, but this was denied by Mrs. Scriven.

Feeling is Very High.

Feeling in this city is very intense over the crime, as Brown has been a very popular officer. He has been connected with the local police force at intervals for twenty years.

The Dead Marshal.

Amos Brown, the victim of tonight's tragedy, is one of the best known citizens of Fairbury. He has been town marshal for ten years. He is about 59 years of age and has lived in this place for a great many years. He leaves a wife and two married daughters, Mrs. L. Kring and Mrs. Daniel Calmer, of this city.

Recalls Previous Crime.

The death of Marshal Brown tonight furnishes a tragic coincident, since he succeeded in office another man who was shot down in the discharge of his duty. This former crime occurred in 1899 when Marshal Fred Baird was shot and killed in a basement by one Rightsell. The latter was supposed to have been mentally unbalanced.

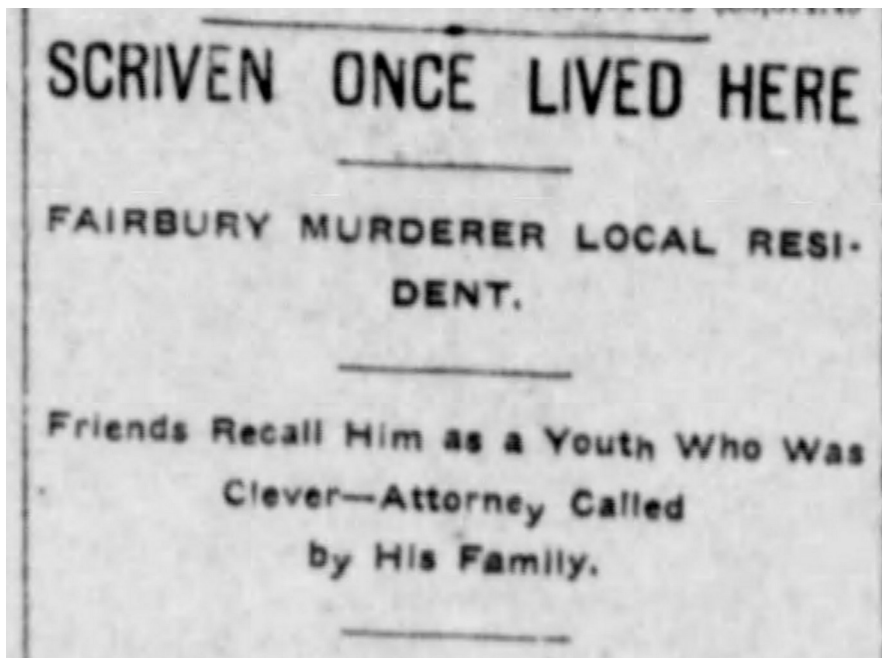
Who Scriven is.

Scriven is a son of Mrs. G.H. Scriven, one of the highly respected residents of this city. He also leaves two sisters. He is about 25 years, 5 feet 9 inches high, weights 150 pounds, smooth face, blue eyes, brown hair, and the little finger on his left hand is crooked. He wears a leather vest with fringe on the bottom and has very shifting eyes.

Inquest is Held.

The coroner was notified as soon as the shooting occurred and empanelled a jury which heard the evidence tonight. It was substantially as given above, but the jury adjourned until morning, and if there is no more evidence found in the meantime, will return a verdict when it reassembles.

This same edition of the Pantagraph carried a separate second story on the crime. This story is shown below:



Ray Scriven, the young man who murdered, by shooting thru the heart, Marshal Amos Brown, of Fairbury, Thursday night, when a boy of 11 years of age attended the public schools of Bloomington, being enrolled at the time in one of the rooms at the Jefferson building.

The young man's father, the late George Scriven, was at one time one of the prominent and wealthy citizens of Colfax, where he was engaged in the grain business. He served his fellow citizens as mayor and was prominent in secret society circles.

At the time the senior Scriven was a conspicuous figure in Colfax circles, Mr. Frank Gillespie was a young lawyer of the village and his very warm personal friend and companion.

Was a Bright Lad.

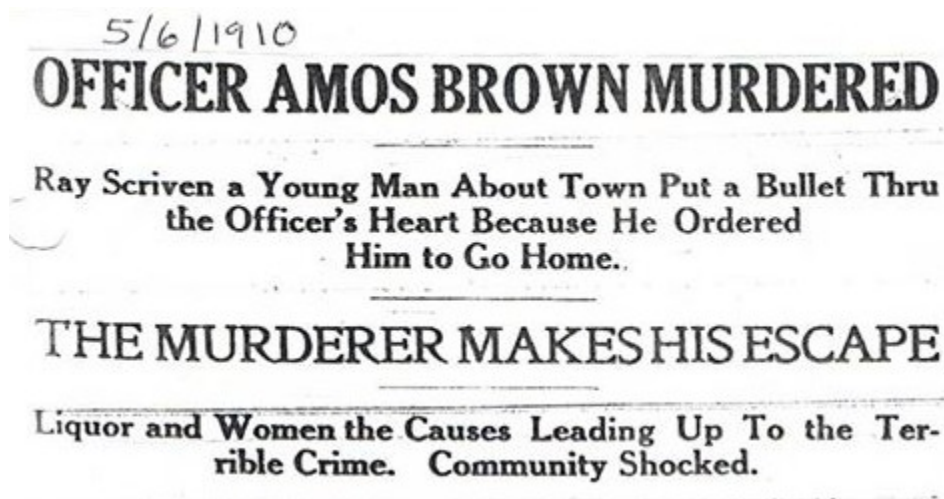
After Attorney Gillespie and family moved to Bloomington the ties of friendship between the two families were by no means severed and Ray when a growing boy of 11 was allowed to come here and practically live for a year in the Gillespie home that he might go to school. He was recognized by Mr. Gillespie as a bright lad. He had the right sort of home training as a youth and by no means is a murderer at heart, so his friends claim.

Gillespie Summoned to Fairbury

Yesterday morning Mrs. Scriven, mother of the murderer, at large, called Mr. Gillespie over the telephone. She told him that she was in great trouble and requested that he go up to Fairbury.

Mr. Gillespie could not leave until last evening at 6 o'clock and reached Fairbury at about 8 o'clock. If young Scriven is captured, Mr. Gillespie, the old friend of the family, will be his defender in court.

As expected, the Fairbury Blade newspaper gave extensive coverage to this murder. Below is the headline for the first story that appeared after the shooting.



Here is the rest of the story converted to modern text for ease of reading:

Officer Amos W. Brown was murdered in cold blood last evening about nine o'clock, Ray Scriven sending a bullet thru the brave officer's heart. The deed was one of the shocking that was ever enacted in Fairbury or Livingston county, and liquor and women are the two things that led up to the crime. Young Scriven had been drinking and had been forcing his attentions upon Cora Smith all evening. A short time before the killing of Officer Brown she had informed Deputy Sheriff Codlin that Scriven had a gun and had threatened to kill her. In company with Dave Henry she had walked to the creamery corner, opposite the Churchill elevator and there they were overtaken by Officer Brown. Scriven had threatened to lay for her and she was afraid to go home alone. Mr. Brown told her to go home. She started across the street and the officer walked behind her. Scriven came along the west side of the creamery building and started to follow them. Officer Brown turned around and told him to go back. Scriven answered, "You have no right to order me off the street. I've got a right to go where I please." He then walked across the street to where the officer was standing at the Paternoster corner. Brown again ordered him back and Scriven said, "Go to h--l, I am going where I please."

One Eye Witness.

Wilson Kelso was standing across the street and in the dim light of the street lamps witnessed the closing scene of the tragedy and this is his story of the fatal shot.

"I was standing across the street, west of the creamery corner when the disturbance commenced. The light was rather dim and I could not tell who the parties were, but I thought the woman was Cora Smith. I knew Amos by his voice. When Amos and the girl got to the corner, Amos stopped and the girl went on. The fellow walked over to where Amos was standing and Amos told him again to go on back. The fellow swore and refused to go and then there was a sound of a scuffle and I supposed Amos took hold of him. The fellow said, "You turn me loose." Then "I'll kill you you son of a b----!" Then the shot was fired. I saw one of the men fall and the other run away across the railroad track. I went over and tried to see who it was that was shot and if he was hurt bad. His head was partly under the sidewalk and he was laying in the shadow so I could not see his face. I pulled him out and spoke to him. I saw it was Amos and thought he must be dead. Others came up at that time and we carried him to the electric light office."

Citizens Quickly Assemble.

The news of the murder was quickly spread thruout the city and in a few moments the streets were filled with excited and horror-stricken citizens. At first there seemed no clue to the murderer. His hat, a black stiff one, was picked up at the scene of the crime by Wilson Kelso, but it had no identifying marks. The possibility that the woman might have been Cora Smith seemed the only possible clue, and Deputy Sheriff Codlin, Special Officers Fred Streeper and W.A.B. Smith, together with a Blade reporter hurried to the

Smith home in the southwest part of town. The family was apparently all asleep and it was only after considerable knocking they were aroused. Mr. Smith came to the door and Mr. Codlin told him that he wanted to see Cora. The lady appeared and her first words betrayed the fact that the right clue had been found. Mr. Codlin said, "Cora, we want you to come down town and tell what you know about the killing of Amos Brown." "Is he dead," she exclaimed. "Well you know who killed him don't you? What do you want with me?" Mr. Smith said: "Cora, if you know anything about this, go right down and tell what you know." She put on her clothes at once and was brought to the city hall, where she was questioned by Mayor Rayburn and Attorneys Carrithers and Agard. She told the story of the murder freely and apparently did not attempt to hide anything.

Cora Smith's Story of the Murder.

"When I left home this evening to come up to town, I met Ray Scriven in front of Frank Brown's house, about two blocks from my home. I saw he was intoxicated and I did not want to go with him. He pushed me and threatened me and said he would go home and get his revolver and kill me. I got away from him and came up to town. I went over to the depot when the trains came in (8:30) and Dave Henry came away from there with me. Ray was standing down at the crossing near the restaurant and came up to me there and took hold of my arm and pinched me. He had a revolver in his hand and he was going to kill me. I was afraid of him and did not want to make a scene and walked north with him to Walton's implement room. Then I got away from him and came back to the corner and started south. He must have run around the block because when I got to the post office I saw him standing by the restaurant. I turned around and came north to Walton's and started west. I met Mr. Codlin in front of Henderson's and told him I was afraid Ray would kill me. I then went on west. Dave Henry caught up with me and we walked together to the creamery corner and I told him I was afraid to go home alone. He told me to go ahead. Just then Mr. Brown came up. He asked me what the matter was and said he had heard we had been having trouble on the street. I told him I was afraid to go home on account of Ray Scriven. He told me to go on home and that he'd see that nobody would bother me. Just then Ray came out from behind the creamery building and started after us. I heard Mr. Brown order him to go back and heard him say something. I kept on going and when I got across the railroad track I heard a shot. I ran and heard some one coming after me and when I was near the Christian Church he caught up with me. It was Ray Scriven and he said, "I've killed Mr. Brown and I am going to get out of here." I hurried home as fast as I could.

Amos Brown a Splendid Officer.

Amos W. Brown was one of the best and most efficient police officers Fairbury has ever had. He has served this city in that capacity for almost 20 years. He was upright, honorable and faithful. The shocking manner of his death leaves the people of Fairbury horror stricken. There are no words which can express to the bereaved family of the dead officer the sympathy felt by the people of the community for them.

Ray Scriven Wayward.

Ray Scriven, the slayer, is a young man who was born and raised in Fairbury. He came of good family but is considered wayward. He was known to carry a revolver, but was not considered dangerous. The saloons opened yesterday for the first time in Fairbury for two years and he had been around drinking during the day. Undoubtedly liquor was much to blame. The hearts of the people of Fairbury will go out also to the home of his widowed mother. She also has a cross to bear and terrible indeed is her trial.

Scriven Makes His Escape.

Up to the hour of going to press there is no clue to the whereabouts of Scriven. No one can be found who saw him after he left Cora Smith, near the Christian church. Immediately following the crime Sheriff Morris was telephoned for and Manager Charles Monk of the Fairbury Telephone Co. telephoned the news of the murder and the escape of the slayer in all directions. Sheriff Morris, Deputy Sheriff Wm. Patterson, Ex-Sheriff W.L. Talbott and Coroner Slyder came over from Pontiac in an automobile. Mayor Rayburn had a number of extra police sworn in and a systematic search was begun which lasted until morning. Men scoured the country in all directions in automobiles, buggies, and on foot. It seems impossible that the fleeing man should get far away and any moment may bring news of his capture.

Description of Scriven.

Ray Scriven is 26 years old, about 5 foot 7 inches in height, of slender build and will weigh in the neighborhood of 140 pounds. He is smooth shaven, carries his head slightly forward, hands generally in pants pockets. His eyebrows are thick and meet in the center. When last seen he had on a dark coat and pants and a leather vest. He is said to be good at disguising himself. Those who know him intimately say he is a desperate character at all times.

Dave Henry Arrested.

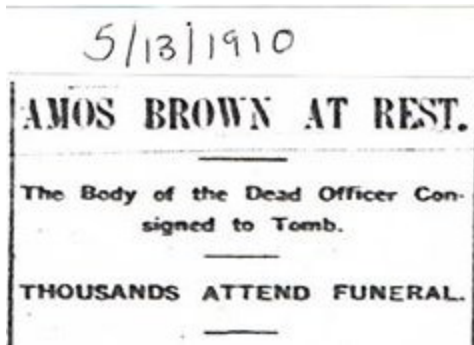
Dave Henry, who was with the Smith girl in the evening and had been around with Scriven during the day, was arrested and locked up last night for disobeying the orders of the police.

The People Aroused.

It was fortunate for Scriven that he was not captured last evening, as the citizens of the city were aroused and their anger over the wanton killing of the brave officer knew no bounds. If he had been found there is but little doubt but that his life would have paid the penalty.

The Funeral of Amos Brown

The Fairbury Blade covered the funeral of Amos Brown.



The funeral services of Amos W. Brown were held at the Central opera house Sunday afternoon at three o'clock. The friends of the dead officer began to assemble shortly after one o'clock and long before the hour for the services, every seat not reserved had been filled. When the services began even the isles were filled with people and hundreds were unable to gain admission. Fully a thousand people were in the opera house. Their sad faces betokened their heaviness of heart. The stage was banked with flowers, the last tribute of loving friends. The members of the city council and the city officers and the members of the Yeomen of American lodge attended in a body. Many people were present from the surrounding country and towns.

The funeral services were conducted by ministers of the Christian church, Rev. Guy Zerby of the Fairbury church; Rev. Oscola McNemar of El Paso; and Rev. J.W. Porter of Mason City. Rev. Porter was a former pastor of the Christian church in Fairbury and preached the funeral sermon. He condemned the causes which caused the death of Mr. Brown and paid full tribute to the exemplary life of the deceased.

Amos Brown was one of the best known citizens of Fairbury and held the respect and esteem of people in all walks of life. During his long service as city marshal he made many friends. He was courteous to a friend and stranger alike. He was always ready to do a favor for anyone who asked it, if it did not interfere with his duties. His kindness of heart was manifested time and again, and he has many times solicited funds to assist those in distress. He was fearless in the discharge of his official duties and during his long service as city marshal never once showed fear. The record of his life is an open book and stands clear before the people of Fairbury. His death is mourned as a friend, as an officer and as a citizen. He died in the discharge of his duty, faithful even unto death.

The Blade also printed his obituary.

Fairbury Blade

May 13, 1910

Obituary

Amos W. Brown, son of Phillip M. and Fannie Brown, was born at White Oak Grove, Woodford county, Illinois, December 12, 1851. His home, until the age of 17 was in Woodford county. The he accompanied his brother, John, and sister, Mary, to Kansas. During his residence there for four years, he was united in marriage to Miss Dora A. Stewart. This was upon September 28, 1872. Two daughters were born to this union, Mrs. Emma J. Kring, and Mrs. Mary E. Calmer. Both of these reside in Fairbury.

In 1875, the family left Kansas and came to Illinois. They lived first in Secor, but for the past thirty years the home has been in our city.

Brother Brown became a Christian under the preaching of old Uncle Jimmie Robeson, of Secor, when he was twelve years old. He died in the full fellowship of the church.

In May, 1861, he joined the Yeoman lodge of Fairbury.

Brother Brown has been a tried and faithful public servant for the past twenty-seven years. His place in the hearts of all was a very high one. This has been abundantly testified to in this time of sorrow by the sympathy extended to the family. A number of letters have been received conveying such thoughts as "While at his duty he was always at his post." "As an officer of the town his place can never be filled;" "The deep grief that you feel is in a measure felt by all who knew him." These expressions are only representative.

Mourning the loss of a loved one are the wife, two daughters, three brother, John T., Fairbury, Andrew A., Pontiac and L.E. Brown, of Pittwood; also five sisters, Mrs. Mary C. Roberson and Mrs. Minnie Real, who live in Secor; Mrs. Dulcena Crepes of Donovan, Mrs. Ardenia Sherill, Pittwood; Mrs. Fannie B. Phillips, Highland Park, Cal. All of these were present, except Mrs. Phillips.

The man whose body we are to lay away did his duty in life and died in the defense of the same. The inspiration of his memory will lead all who knew him to a better, nobler life.

Isaac Walton Speaks Out

Isaac Walton was one of the earliest and biggest businessmen of Fairbury. On May 13, 1920, he wrote this article for the Blade on the death of Amos Brown:

5/13/1910

Straight From the Shoulder.

Editor, Blade:

I have lived in the mining camps and towns of the far west, where life was cheap and where liquors flowed unrestricted, but I never knew of a more cold blooded murder than that of our police marshal, Amos Brown.

I never heard of or saw so much drunkenness upon the streets of any town in which I have lived as there has been in Fairbury during the last few days.

Any man knows as well as he can know anything that cannot be actually demonstrated that if these licenses had not been issued Amos Brown would be walking our streets today.

Who is responsible for this state of affairs?

It matters not if you are a day laborer, a millionaire who can ride down our streets in a \$5,000 auto, a member of our churches sitting in the pew or in the pulpit, whether you are an alderman, who voted to issue these licenses, or a mayor who signed them, you have your share of responsibility for the great calamity that has befallen our town to account for.

We may call public meetings, pass resolutions of sympathy for the bereaved families, subscribe thousands of dollars for law and order and continue to vote licenses, and murder and drunkenness will continue. No argument is necessary. If this murder and the daily exhibition of drunkenness that is made upon our streets will not induce sober thinking men to see the course and change their course in regard to the liquor question, we can hope for nothing else, but murder and drunkenness in the future. It would seem we have seen enough of the workings of the liquor traffic during the last week to induce every thinking citizen who voted for license to renounce his past and come out squarely for law and order.

It is all folly to say it is too late and we must submit to the state of affairs for two years longer. If one-half of the citizens of our town who voted for license would sign the petition circulated the other day, requesting the mayor to recall the licenses issued it would be done and our town would soon be as quiet and orderly as usual.

Will you do it?

ISAAC WALTON.

Fairbury, Ill., May 11, 1910.

Wanted Poster

To the author's knowledge, only one wanted poster was ever issued for a citizen of Fairbury. This poster was issued for the arrest of Ray Scriven for murdering city marshal Amos Brown.



Picture of Ray Scriven, Taken Six Years Ago. Looks Very Much Like Him

\$1,200.00

DENVER
E. P.
Reward
DENVER

FOR
RAY SCRIVEN



The above is a picture of Ray Scriven wearing a cowboy hat and was taken in 1909.

Wanted for the Murder of City Marshall at Fairbury Illinois, May 5th, 1910

DESCRIPTION:

Ray Scriven, age 25 years; height 5 ft., 9 inches; weight 150 pounds; hair brown, hair thin in front, making forehead high; smooth shaven; beard on chin thin, heavier on jaw; smooth shaven when crime was committed; medium thin features.

TEETH: Upper front teeth short; the two centrals have space between; right lateral insisor missing; cuspid in and first bi-cuspid out, making cuspid prominent. Apparently the right lateral and first bi-cuspid never grew in.

Little finger on left hand crooked. May have initials R. S. and tattoo on arm, scar on lower left arm. At the time the crime was committed he was wearing a dirty blue suit, brown buck skin vest. Part of the time he wore a black stiff hat, size 6½ and sometimes a cow boy hat. Was carrying a 38 Colts Automatic magazine gun. Does not swing arms when walking; wears hat pulled down over his eyes. He has a shifting eye, looks first to one side and then the other while talking to anyone. Has been working at painting trade and was at one time a cow puncher and mine worker. He is a gambler and booze fighter and can jump trains going at most any speed.

The citizens of Fairbury, Ill. offer \$600.00, the City of Fairbury, Ill. offers \$200.00, the Supervisors of Livingston county offer \$200.00. The above amounts are offered for his arrest and detention until delivered to the Sheriff of Livingston county. The Governor of the State of Illinois offers \$200.00 for his arrest and conviction. Please post descriptions in a conspicuous place. Wire all information to me at my expense.

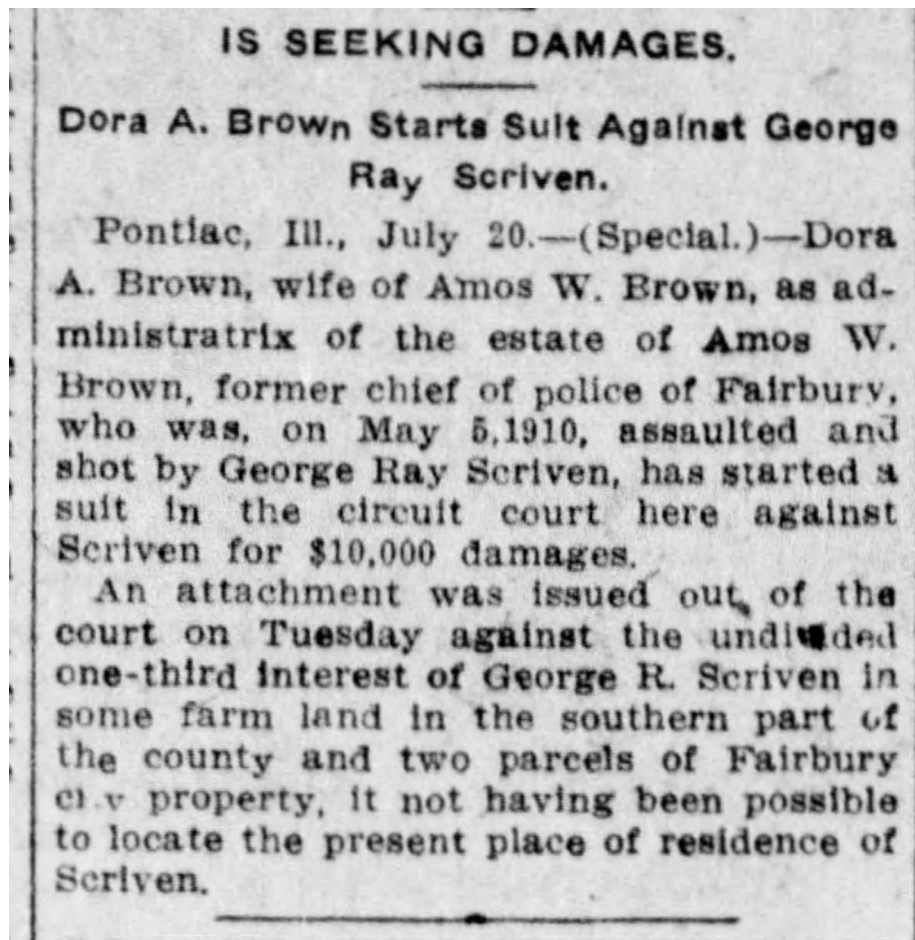
J. W. MORRIS, Sheriff,
Livingston County, Pontiac, Illinois.

The photo used for this Ray Scriven wanted poster was taken from the 1903 Fairbury High School football team picture that we reviewed above.

It is interesting to note that the \$1200 reward is equivalent to \$30,316 in 2014 dollars. This relatively high dollar reward prompted men from around the country to be arrested and held until a Fairbury official could determine if they really were Ray Scriven, or not.

Widow of Amos Brown Files Civil Suit Against Ray Scriven

According to the July 21, 1910, Pantagraph article, Mrs. Brown sued Ray Scriven for damages.



The \$10,000 in damages she asked for is equivalent to \$250,000 in 2014 dollars.

Many Leads but No Ray Scriven to be Found

The relatively high reward offered for the arrest of Ray Scriven generated leads from all over the county. Below are some of these leads. None of the men involved turned out to be Ray Scriven.

WAS NOT SCRIVEN.

Man Captured at Benson Not the Slayer of Amos Brown.

Benson, Ill., May 13.—(Special.)—A stranger was taken into custody here to-day on the suspicion that he was Ray Scriven, the slayer of Amos Brown, of Fairbury. He had a crooked little finger and resembled Scriven in other ways but when Sheriff Morris arrived here from Pontiac, he declared the man was not Scriven, and he was at once released.

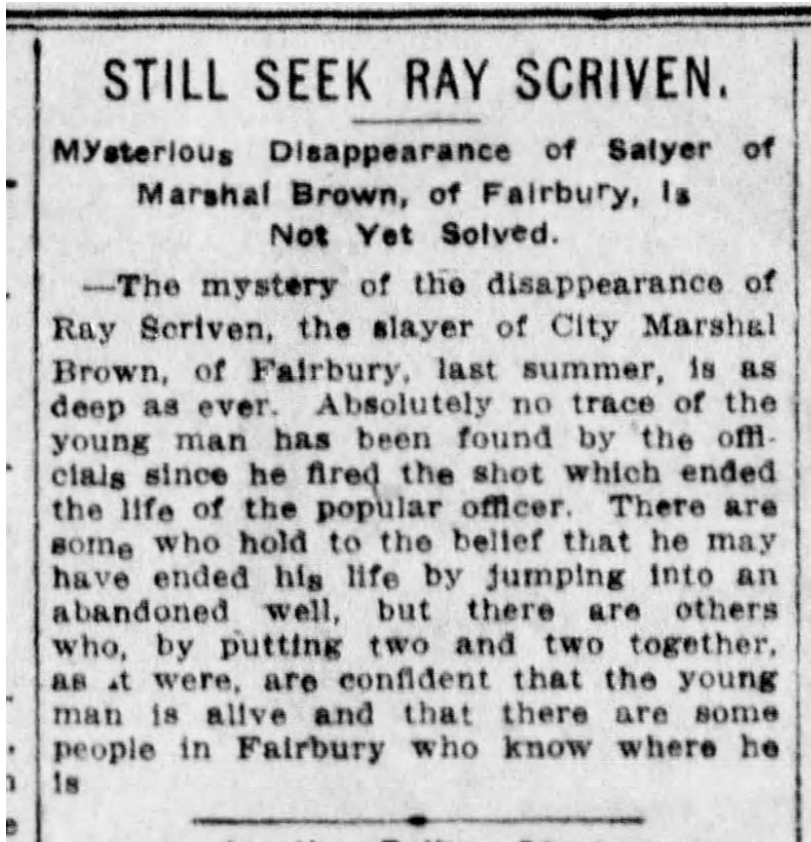
May 14, 1910 Pantagraph

IS HE RAY SCRIVEN?

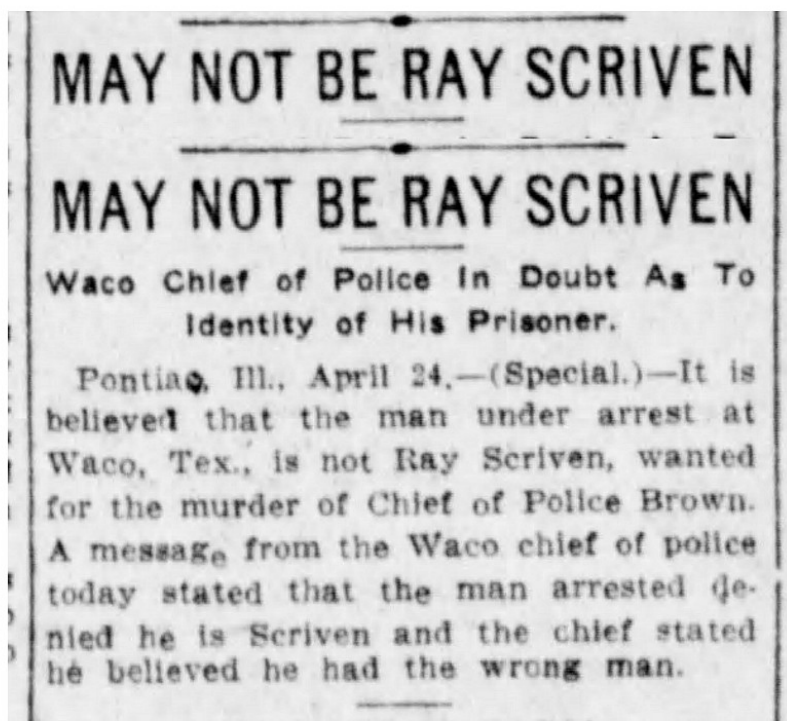
Young Man Taken Into Custody at Oconto, Wis., Said to Resemble the Young Fairbury Murderer.

Oconto, Wis., May 18.—A man believed to be Ray Scriven, suspected of being the murderer of the city marshal at Fairbury, Ill., on May 5, has been captured here and is being held by the police. He has tattoo marks, among them the initials "R. F." on his left forearm, and in other particulars answers the description of the suspected slayer. He was seen at Little Suamico and followed here by the deputy sheriff of Brown county and arrested as he got off the train. There is a reward of \$250 for his capture.

May 19, 1910 Pantagraph



Feb 14, 1911 Pantagraph



Apr 25, 1911 Pantagraph

RAY SCRIVENS CAUGHT IN GEORGIA?

Supposed Slayer of Marshall
Brown of Fairbury Ar-
rested Yesterday.

MAN DENIES HIS GUILT.

Has Been Known in Calhoun, Ga.,
As "Thomas Lyerly," Law
Abiding Citizen.

MURDER THREE YEARS AGO.

Calhoun, Ga., April 29.—(Special.)—
Thomas Lyerly, who has been for the
last few years a law-abiding citizen of
Calhoun, was arrested this afternoon,
charged with murder in the first de-
gree.

It is alleged that the crime was
committed in Fairbury, Ill., three years
ago by Ray Scrivens and that Thomas
Lyerly is an alias.

There is a reward of \$1,200 for the
capture of the right man. Much ex-
citement was caused by the arrest and
the people of Calhoun do not believe
that Lyerly is the man wanted. Ef-
forts were made to prevent his being
taken to Cartersville, but the sheriff
outwitted the Calhoun authorities and
left with the prisoner. He hails from
Champaign, Ill., where he was born
and reared, but he has never concealed
the fact and has been visited by his
sister, Miss Lena Lyerly, of Mt. Ver-
non, Ill. He denies his guilt.

Story of the Crime.

The murder of Night Policeman
Amos Brown at Fairbury on the night
of May 5, 1910, was one of the great-
est sensations which has recently
stirred Livingston county. It is re-
called that Scriven had been keeping
company with Miss Cora Smith, who
on the night in question came to
town to mail a letter. She was met
by Scriven, who had evidently been
drinking heavily. He got into a
quarrel with Miss Smith, who sought
the protection of Marshal Brown to
keep Scriven at his distance. After
Brown had left Miss Smith he met
Scriven and told him to go home and
stop bothering Miss Smith. Scriven
warned the marshal to let him alone
or he would shoot. A scuffle ensued,
during which Scriven fired his pistol.
The bullet passed thru Marshal
Brown's left wrist and entered his
heart, death ensuing instantly.

Soon after the shooting, Scriven
disappeared from Fairbury, and has
not since been seen there.

Apr 30, 1913 Pantagraph

NOT THE FAIRBURY MURDERER.

Word Received That Prisoner Supposed to be Ray Scrivens in Georgia is Released.

Fairbury, Ill., April 30.—(Special.)—Word was received here today that the man arrested at Calhoun, Ga., on the supposition that he was Ray Scrivens, the murderer of Marshal Amos Brown, in 1910, has been released. He was able to prove that he was not Scrivens, and had been living in the south when the Fairbury crime was committed. Scrivens is still at large.

May 2, 1913 Pantagraph

PEKIN POINTS.

"Jack" Scriven May Be Wanted in Fairbury—Hopedale Boys Arrested.

Pekin, Dec. 3.—(Special.)—The arrest of "Jack" Scriven on suspicion of being implicated in the alleged robbery of James Phipps, of Shirley, Ill., has caused Sheriff Patterson, of Livingston county, to make inquiry as to the description of the man. Five years ago the village marshal of Fairbury was shot and killed by a man by the name of Scriven as the marshal attempted to arrest him, Scriven having flourished a revolver and fired promiscuously about the building. The murderer made his escape and has since been at large. Sheriff Patterson will send a man here tomorrow who can state positively whether or not this is the one wanted in Fairbury. Scriven "shot up" the Blanchard restaurant in South Pekin last winter and is said to have committed a similar offense in a little town in Iowa before coming to this vicinity.

Dec 4, 1914 Pantagraph

The last sighting that was investigated occurred in December of 1914 per the Pantagraph, about four years after the crime, as noted above.

What Happened to Ray Scriven?

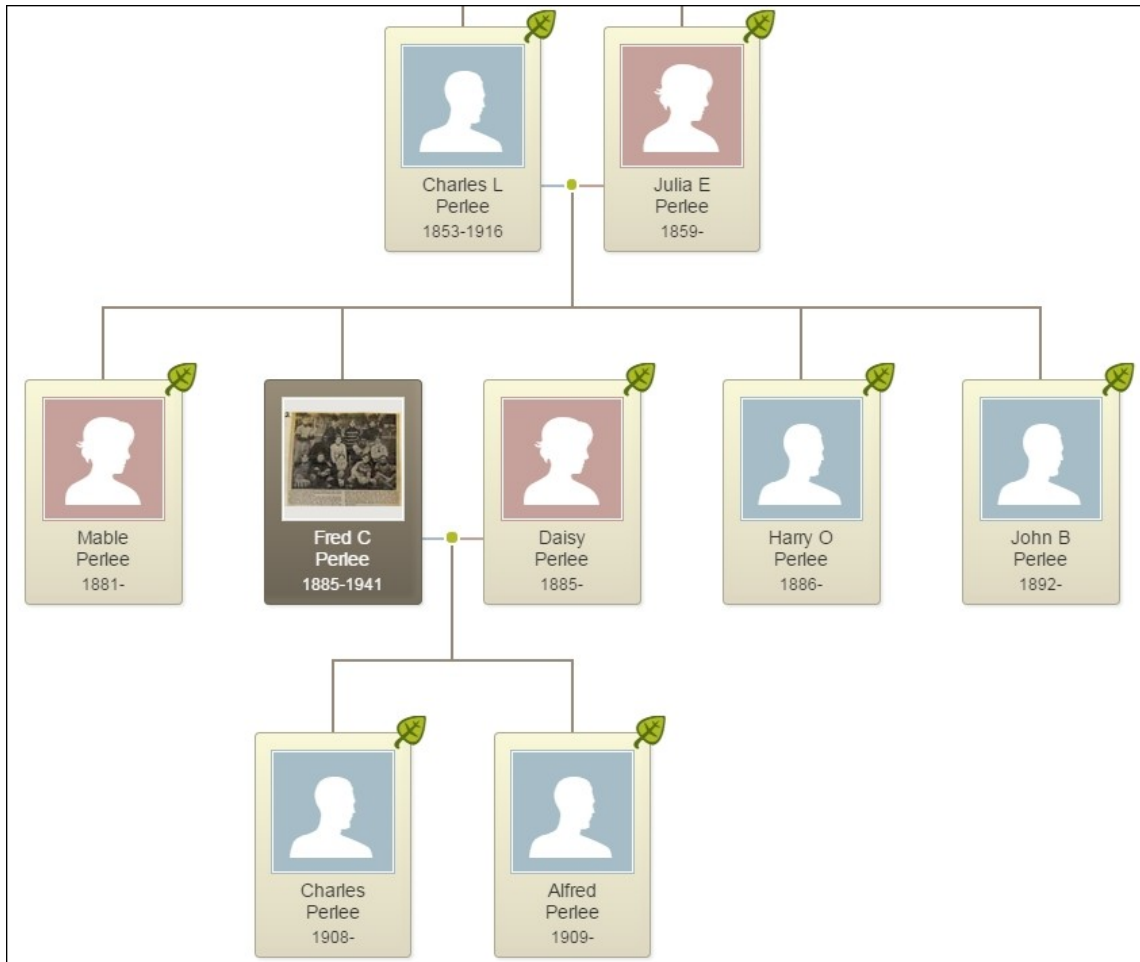
The last piece of evidence about what happened to Ray Scriven takes us back to the 1903 Fairbury High School football team picture we reviewed before.



Someone, possibly H.B. Bedell, put their memories of what happened to each boy on the text below this picture. Note the wording about Ray Scriven, "Ray Scriven who is reported to have died about 12 years ago."

If we knew what year the descriptive text was added to this picture, we could approximate what year Ray Scriven was supposed to have died.

The author performed some detective work and investigated Fred Perlee using Ancestry.com:



Fred Perlee was killed by a drunk driver in 1941. If we add the twenty years noted in the football picture above, the text was added to the picture about 1961.

If we subtract twelve years from the 1961 text, Ray Scriven was reported to have died in about 1949. If this is true, he would have been 65 years old when he died.

Summary

Of the eight murders committed in Fairbury, this is the only one where the murderer was never captured.

It is interesting to speculate what happened to Ray Scriven, since he was never found and brought to justice. It is also interesting to speculate who the person was that knew about what year he died.

The author initially was not able to determine what happened to Cora Smith, the young woman that Ray Scriven threatened to kill. No trace of her life could be found by the author after the 1910 murder case. Did she run off to live with Ray Scriven?

After writing this book, the Blade newspaper was digitized. A search found that Cora Smith did not run off with Ray Scriven. Just one year after the 1910 murder, she married a man from Cleveland, Ohio.

Twenty Years Ago.
(The Blade, Friday, Dec. 29, 1911.)
On Christmas day at the home of Mr. and Mrs. Samuel Fendrick, two miles south of Fairbury, occurred the wedding of Miss Effie E. Steinbeck to John Geiger, of North Judson, Ind., the Rev. C. H. Hands performing the ceremony.
Miss Cora Smith, daughter of Mr. and Mrs. Andrew Smith, of this city, and R. L. Scott, of Cleveland, Ohio, were married in Chicago last Friday.

CHAPTER 6

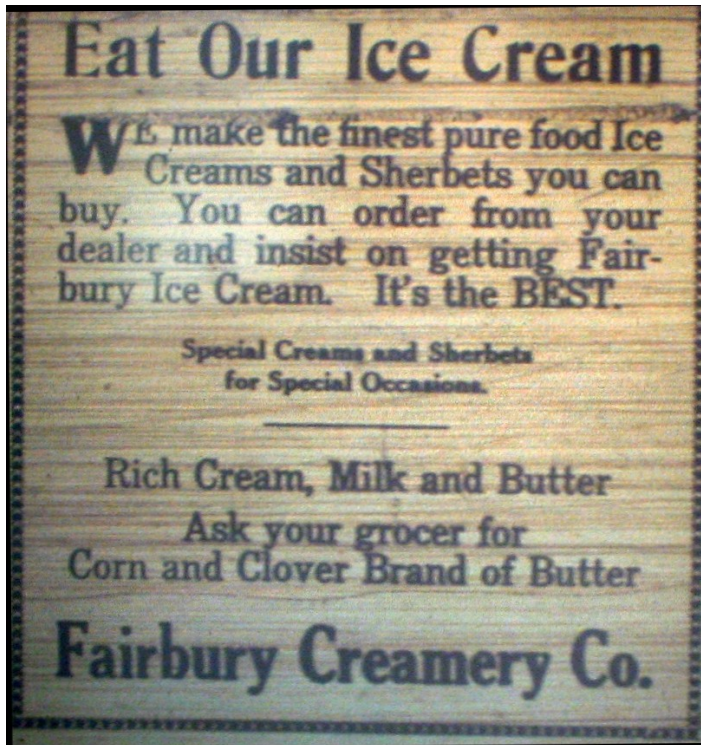
Murder of Ernest Reutter

Fairbury in the Fall of 1917

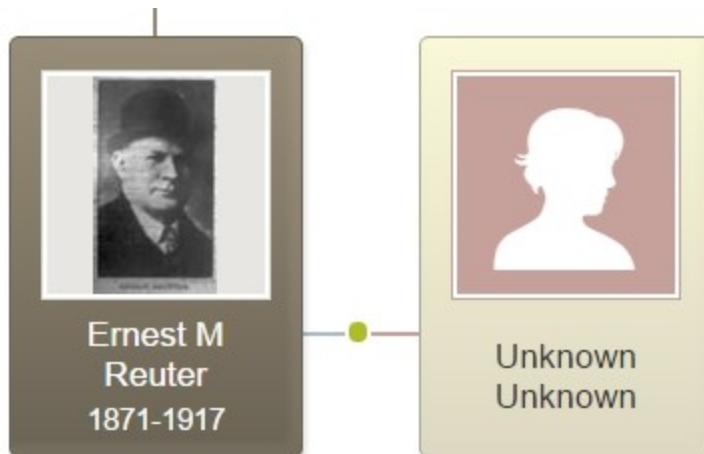
The United States entered World War I on April 6, 1917. Many men from Fairbury were leaving town and heading to the war.

Fairbury was still a busy town and was getting ready for winter. You could get your shoes repaired for winter. After your shoes were repaired, you could stop and get some ice cream per these 1917 Blade ads:





Ernest Reutter Family Tree



According to newspaper accounts, Ernest was married, but was separated from his wife for many years by 1917. The author was unable to determine his wife's name.

Ernest Reuter immigrated from Germany to the United states when he was 17 years old in 1888 per his immigration record:

R360

Family Name REUTER		Given Name or Names ERNEST M	
Title and Location of Court U. S. DISTRICT COURT, NEW YORK, N.Y.			
Date of Naturalization JULY 28 1897	Volume or Serial 60 B	Page No. 	Copy of Record No. 545
Address of Naturalized Person 177 2 AVE N.Y. CITY			
Occupation BOOK KEEPER	Birth Date or Age APR 16 1871	Former Nationality GERMAN	
Port of Arrival in the United States NEW YORK	Date of Arrival JAN 2 1888		
Names, Addresses and Occupations of Witnesses To Naturalization			
1	PHILIP NIESAN 302 E 11 ST N.Y. CITY		
2	SALOON KPR		

According to the 1910 census, Ernest was the proprietor of a barber shop, was single, and was a roomer with the Kiefer family on Elm street in Fairbury.

178 178	Kiefer	George	Head
		Priscilla	Wife
		May	Daughter
	Reutter	Ernest	Roomer

Newspaper accounts say that Ernest was married once, but had been separated from his wife a long time.

The March 9, 1916, edition of the Bloomington Pantagraph newspaper reported that Ernest Reutter was living in Fairbury and took a business trip.

On Saturday.
—Ernest Reutter left Tuesday on a business trip to Durham, N. C., and Blackstone, Va.

The June 15, 1916, edition of the Pantagraph reported that Ernest Reutter helped move Roy Farney from Fairbury to the Ottawa tubercular tent colony for treatment.

—Roy Farney went to Ottawa Tuesday to become a patient at the tubercular tent colony there, hoping to prevent the progress of the disease while it is still in its early stages. He was accompanied by Ernest Reutter and Ephraim Farney.

The author's grandmother, Frances Ann Bodley Maley, graduated from Lakeside Nursing School in Chicago in 1917.



At nursing school, she became life-long friends with another nurse, Helen Voltmer.

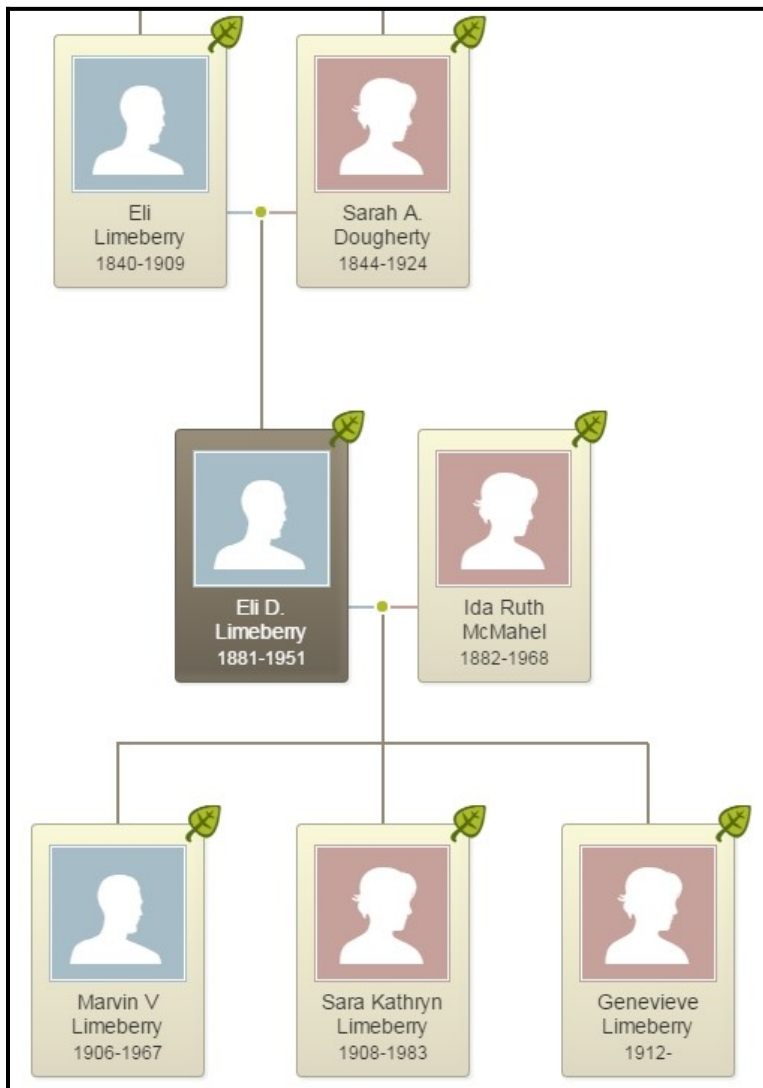


After they graduated, Helen Voltmer became the nursing superintendent at the Ottawa Tuberculosis Sanitarium. This was a tent city.

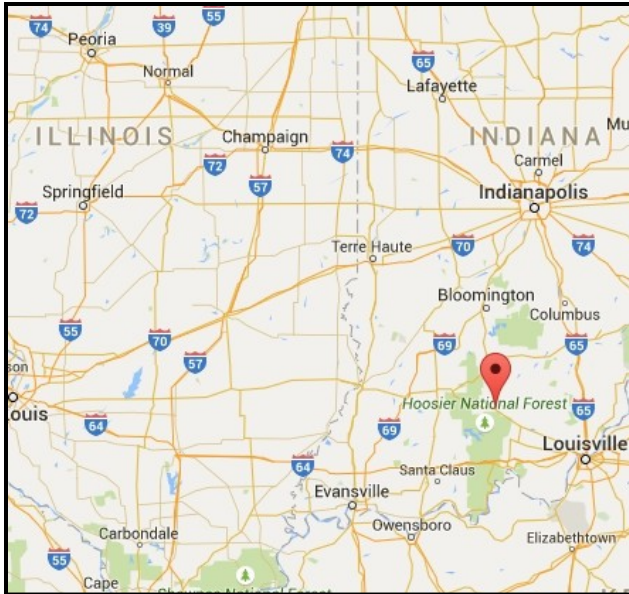


It is very likely that Helen Voltmer helped to treat Ernest Reutter's friend at the Ottawa sanitarium.

Eli Limeberry Family Tree



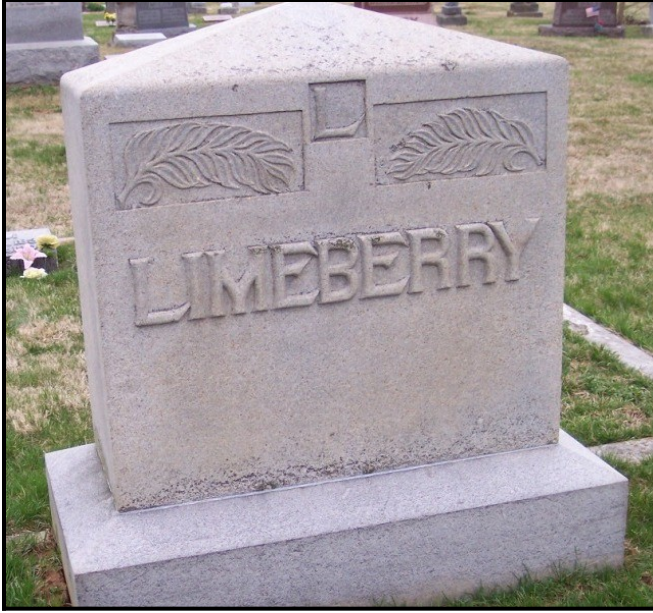
The Limeberry family was from southern Indiana, Paoli, south of Bloomington, Indiana.



Eli Limeberry was a barber. He had worked in Monmouth, Illinois, prior to coming to Ernest Reutter's Fairbury barber shop.



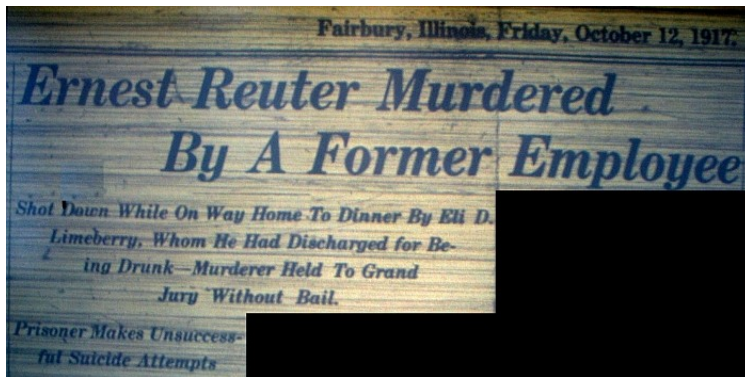
Eli's was 28 years old when his father died in 1909. His father is buried in Indiana.



Eli was married and had three children in early 1917. They had just moved from Monmouth to Fairbury a few months before the shooting.

The Murder of Ernest Reutter by Eli Limeberry

As expected, the October 5, 1917, murder of Ernest Reutter made the front page of the October 12, 1917, Fairbury Blade newspaper.



This story included a photograph of Ernest Reutter.



It also include a picture of where the murder took place, the corner of 4th and Maple streets in Fairbury. Unfortunately, the picture is almost illegible in the Dominy Memorial Library micro-film viewer.



The caption for the picture where the murder took place is shown below.

The above cut shows the intersection of Maple and Fourth streets where the shooting occurred. The picture was taken looking east. To the right of the picture can be seen the garage, which is in the courses of construction. The Methodist church and parsonage is shown to the left. The circle shows where Limeberry and Reutter met when Mr. Reutter was on his way home to dinner. They walked over to the right side of the road during the course of conversation, and the shooting occurred to the right of the cross a few feet. Following the shooting, Mr. Reutter fell the last time in the spot marked by the cross.

The entire Blade story is repeated below.

Fairbury, Illinois, Friday, October 12, 1917

Ernest Reuter Murdered by a Former Employee

Shot Down on Way Home from Dinner by Eli D. Limeberry, Whom He Had Discharged for Being Drunk--Murderer Held to Grand Jury Without Bail

Prisoner Makes Unsuccessful Suicide Attempts

E.D. Limeberry, a barber, who has been in the employ of Ernest Reutter, shot Mr. Reutter to death last Friday forenoon. The shooting took place at the southwest corner of the intersection of Fourth and Maple streets, near the H.R. Bedell residence and there were several eye witnesses.

Story of the Shooting.

Mr. Reutter started to dinner about 11:15, going east on Locust street to the Klondyke hotel corner where he turned north. Near the Bedell residence he was hailed by Limeberry. Limeberry was accompanied by his son, Marvin, eleven years old. The two

men talked for some time and their actions attracted the attention of several men working on the Claudon building, across the street east, and a number of others. Only two or three spoken words were heard, however, and those were said by Limeberry. Once he was heard to say its a illegible dirty deal and at another time he called Reutter a vile name. Limeberry was seen to walk up close to Reutter several times and apparently tried to take hold of him. Reutter on "illegible line" pushed Limeberry back and once or twice when Limeberry was very aggressive, Reutter made as if to kick him. Several times Reutter started to walk away but each time he was recalled by Limeberry and one time when Reutter started toward him Limeberry drew a revolver from his hip pocket and pointed it at Reutter. Mr. Reutter talked to him a little while and Limeberry put the revolver under his and then in his pocket. After a little further conversation the men were seen shaking hands and the spectators thought the trouble was about all over. The men stood there for some little time grasping hands. Limeberry was patting Reutter on the shoulder with his left hand and Reutter was seen to be smiling. Then they released hands, and Mr. Reutter started across the street north. Limeberry was then seen by those watching to suddenly pull a revolver from his pocket, point it at Reutter and fire. At the first shot Mr. Reutter raised his hand to his head and stooping over slightly he turned facing Limeberry who shot twice more point blank at Reutter. Mr. Reutter sank slowly to his knees the blood gushing from his mouth. He then arose and staggered to a cement post nearby which he took hold of, then walked toward the road and went down near the intake on the corner.

Capture of Limeberry

Limeberry started walking north across the street with the revolver in his hand. He walked fast until he had almost reached the alley north of the city high school building. Here he threw the weapon down. When Limeberry started north, Nelson Wallace, a brick mason employed by John Hibsich, jumped down off the scaffold and started after him, taking the opposite side of the street. He had a stone hammer in his hand. When Limeberry threw the revolver away Wallace rushed across the street and grabbed him and with the assistance of Owen Baily brought him up town and put him in jail. George Hornback who had followed Mr. Wallace, picked up the revolver and turned it over to Officer Baker. It was a self-acting, five cylinder of .32 caliber. There were two loaded and three empty shells.

Mr. Reutter was lifted into Mr. Somer's car and rushed to the hospital. He was almost gone, however, when they arrived there and gave but a gasp or two before he died. Examination showed that two of the bullets had found a mark in his body. One had entered the lower left side of the neck and pierced the jugular vein and tore its way into the throat. This wound was fatal. The other bullet struck Mr. Reutter just below the ribs on the right side of his stomach and probably entered the liver.

County Officers Summoned.

Coroner R. H. Harris, State's Attorney J. H. McFadden and Sheriff Ives were notified and came at once to Fairbury. The sheriff took the prisoner to Pontiac at once and placed him in jail. Corner Harris impaneled a jury to convene at 2 p. m. Saturday enabling him to get the witnesses together.

Coroner's Jury Hears Evidence.

The jury met at the city hall Saturday afternoon at 2 o'clock. There were a large number of people present to hear the evidence of the witnesses. Homer Grison, the colored porter in the Reutter barber shop, testified that he had been near Mr. Reutter and Limeberry when they were talking and heard Limeberry say "it's a d--- dirty trick." He stayed near until Limeberry pulled out a revolver and then he left. Walter Harrison, who works for Jay Claudon testified that he was pushing a wagon around near the scene of the shooting and Limeberry approached him and asked him what his price was and said he had some trouble with some one. He said Limeberry acted drunk or crazy. Martin Leaf testified along similar lines. Moss Greenbaum, cement worker, testified that Limeberry approached him and asked him if he was game and would do something for him. He said Limeberry staggered around and he thought he was drunk. Levi P. Troehler testified to seeing the men arguing, but could not hear what was said. Nelson Wallace and George Hornbeck testified as to the part they took in the tragedy. All of these men saw the shooting. Dr. N. M. Otis testified as to the location of the bullet wounds, and stated the one through the jugular vein was the one that caused death. Bert Monroe and S. E. Ellis testified that Mr. Reutter had discharged Limeberry Tuesday, by a telegram. The reason stated was that Limeberry had been drunk.

Marvin Limeberry Testifies

One of the pathetic incidents of the inquiry was the testimony of Limeberry's eleven-year-old son. The boy was a bright, manly appearing little fellow and answered all questions without hesitation. He said he stayed home from school that day because his mamma was ill and wanted him. His father had been away from home and had been drinking. He said he drank some bay rum at home that morning early but it did not affect him. He said his father had been drinking some lemon extract for four days previous, but drank bay rum that morning. He left two or three bottles of lemon extract at home when he came up town. Questioned, he said that he bought the extract for his father at different places. He said he thought his father took the revolver up town with him; thought he saw him take it out of the drawer; thought he saw the butt end of it; said his father said some one might hurt him. They came up town some time after eight o'clock; his father seemed to be going good and was all right; they went down in Armstrong's barber shop and his father told him to go out on the street and watch for Mr. Reutter as he wanted to talk to him. He thought his father wanted to try and get his job back again. The boy went out on the street and when he saw Mr. Reutter coming he went down and told his father. He found his father drunk. He followed his father down to the corner where the shooting took place. Stood there and heard some of the conversation. Heard his father say "it's a dirty trick" and call Mr. Reutter a s. of a b. When the shot was fired he ran home and told his mamma that father had shot Mr. Reutter.

This ended the testimony and the Jury rendered this verdict in accordance with the facts presented.

Jury's Verdict

We, the undersigned jury, sworn to inquire into the death of Ernest Reutter find that he came to his death from a gun shot wound unlawfully inflicted by Eli D. Limeberry, and

recommended that said Limeberry be held to the grand jury of the circuit court of Livingston county, without bail.

Emory Gregg, Foreman

N. E. Fulton

J.W. McDowell

Phillip Ely

Glen Duell

L. S. Henderson

What Led Up To The Shooting.

Limeberry came to work for Mr. Reutter August 15th last. The family, consisting of himself, wife, and three children, lived in Monmouth. He told Mr. Reutter he wanted to get into a dry town. He was given a job and moved here with his family. He proved to be a good workman and Reutter said he was a good barber and understood his business. Last week, Limeberry was summoned to Monmouth as a witness on a murder trial. When he appeared at the shop Monday he had been drinking but he did not stay around there much and did not see Mr. Reutter. Reutter knew, however, that Limeberry was drinking. He had told several about missing a bottle of liquor out of his grip and it was known that Limeberry had drunk some of the bay rum. Not seeing Limeberry before he went away Reutter sent a telegram to S. W. Ellis telling him to discharge Limeberry and have him turn in his key. He gave Limeberry the telegram but he did not turn over the key. He said he would see Reutter. He did not go back to the shop but when Reutter came back he sent him word he wanted to see him and asked him to come to his house. Mr. Reutter did not go to see Limeberry, but sent him word to come to the shop if he wanted to talk to him. Limeberry had met Reutter at the train the evening he came home, but Reutter would not talk to him.

Obituary.

Ernest Reutter was born at Wurtemberg, Germany, April 11, 1871. He came to the United States when 18 years old, going first to Rankin, where he worked on a farm. A year or two later he moved to Cissna Park where he resided until he moved to Fairbury five years ago. Relatives living are one sister, Mrs. Fred Thornton, of Pekin and two sisters who were living in Germany when last heard from. Two half-brothers have been killed in the present war. He had been married but his wife and he had been separated for some time.

Aside from his barber business Mr. Reutter dealt in real estate and had been very successful in this line. He was a man of genial disposition and was well liked by everyone who enjoyed his acquaintance. Some time previous to his death he had given Bert Monroe a bill of sale for the barber shop owned by him and it was evident he wanted Bert to hold it should anything happen to him. Mr. Reutter was administrator of the Sam Farney estate. His affairs were put into the hands of Herbert Powell as administrator and

the barber shop was opened Wednesday morning by Mr. Monroe and Mr. Ellis, who will have it in charge until other arrangements can be made.

The funeral services were held from the German Apostolic church Sunday at noon, the church being crowded with friends of the deceased, many being present from a distance. The funeral sermon was preached by Rev. Wagler of Muscatine, Ia., Rev. Wagler delivered the sermon in both the German and English languages.

The remains were laid to rest at the Fairbury cemetery.

The shocking tragedy which ended the life of Mr. Reutter when apparently at its flood tide also throws open the mercies of the world Mrs. Limeberry and her three children. Their troubles are fatherless. For Limeberry there can be no sympathy. He had evidently been drinking but he did not kill in a drunken frenzy. He took his revolver from the drawer when he was apparently in his sober senses. According to the evidence. He later became intoxicated. Not so drunk, however that he did not know what he was doing. He talked and argued with his victim; he cursed him and then made up with him, shaking hands with him and patting him on the shoulder affectionately. Then when the victim went to leave him he deliberately pulled out a gun and shot him dead. There can be no sympathy for a man who with such evident coolness taken the life of a fellow being and thereby brings shame, sorrow, and terrible suffering upon his own family.

Tries to End His Life

Since being locked up in the county jail Limeberry has been uncommunicative. Several times last Friday night he made several half hearted attempts to end his life.

Early in the evening he attempted to hang himself. He went to the toilet cell where he removed a brass chain fastened it to an electric light fixture, made a noose and then mounted a small stool and placed the noose around his neck. It is doubtful that the apparatus he arranged would have caused strangulation, as it was of very frail construction. Fearing that he might make such an attempt Sheriff Ives placed a trusty inmate on the same floor with Limeberry. The trustee appeared just as Limeberry was about to step off the stool.

Limeberry was returned to his cell and later in the night attempted to strangle himself by pulling his necktie about his neck and then twisting it. He was discovered before he went very far with this.

About 3 o'clock Saturday morning he was found with his shoe string tied about his neck and they too had been twisted as tight as he could draw them.

During the night he pulled a tin tobacco box apart and had apparently attempted to make a knife out of the top, with the intention of cutting himself, but gave up the attempt.

The Trial

The Blade covered the trial of Limeberry in the February 1 and February 8, 1918, issues. The February 1 coverage is repeated below.

February 1, 1918

Fairbury, Illinois

Fairbury Blade Newspaper

LIMEBERRY MURDER CASE STARTED

Jury Secured--Defense Will Plead Insanity--Many Witnesses Called From This City

The case of the People vs. Eli D. Limeberry for the murder of Ernest Reutter was called in the circuit court at Pontiac Monday afternoon. It took but two days to secure the jury, the last being accepted at 2 o'clock Wednesday afternoon.

The jury consists of J.V. Gregg, Campus, Allen Kennedy, Odell, George Grenwald, of Waldo, Charles Gamblin, Cornell, Jake Demper, Cornell, Roy St. John, Cornell, W.B. Abbadaska, Odell, Albert Post, Saunemin, Fred Gilianie, Dwight, Jesse Clingman, Emington. Mr. Swanson was the last to be accepted on the panel.

Immediately after the securing of the Jury State's attorney McFadden began his opening address to the jury, outlining the alleged facts leading up to the shooting of Reutter by Limeberry as the state expects to present during the trial.

Mr. McFadden was followed by Attorney Lowry who outlined the defense of Limeberry as he and his fellow lawyers expect to present it.

It is understood that Limeberry's defense will be insanity. He doesn't pretend to recognize any of the Fairbury people he knew when he worked in Mr. Reutter's barber shop here. Several have spoken to him, but he gives them a blank stare and doesn't say a word. He is also using a peculiar walk in getting around, walking more on his toes than on the ball and heel of his feet. His wife and three children, a brother and other relatives are in the court room with him.

Many from this city are in attendance at the trial, a large number of witnesses, and the others as spectators.

The following from yesterday's Pontiac Leader gives the progress of the case.

State's Attorney J. H. McFadden, in his opening statement to the jury, said: "We expect to prove that Eli D. Limeberry killed Ernest Reutter on October 5, 1917, at Fairbury by shooting him with a .32 calibre revolver. It was at the intersection of Fourth and Maple streets where the killing occurred. The deceased had lived in Fairbury for ten years, where he had been running a barber shop for almost four years. The defendant had been in Fairbury since August of 1917, coming there from Monmouth, Ill., and was working for Reutter.

"The defendant attended a criminal trial in Monmouth the last week in September, returning home while Reutter was away. Reutter sent a telegram home to the man in charge of his barber shop to discharge Limeberry and he would not give up the keys to the shop. The defendant continued to inquire, after he had been discharged, when Reutter

would return home. Reutter did return home Thursday, October 4, in the night. The defendant and his son met Reutter at the depot. The defendant told bystanders that his son had a gun.

"On the morning of October 5 the son of the defendant brought a note to Reutter asking him to come to a restaurant. Reutter returned the note, saying "Good job in Forrest."

"The defendant had his son watch for Reutter going to dinner, and to tell him--Limeberry. The boy reported to the defendant, "Reutter has left the shop." The defendant started out, met Reutter at Fourth and Maple streets where they had an argument. The defendant pulled his gun. There was more talk and the defendant put away his gun. They shook hands. Reutter started away and as he did so Reutter pulled his gun and shot, the bullet striking Reutter in the neck as he turned about to face Limeberry after he had called to him.

Limeberry shot again, the shot hitting him in the chest. Limeberry shot a third time, but this shot missed. The defendant then ran about a half block, when he threw his revolver away and was caught by persons who had heard the shooting. When he was caught he was holding up his hands in surrender and was taken to the Fairbury jail.

"Reutter was taken to the hospital at Fairbury and died without uttering a word. The defendant was then brought to Pontiac and lodged in jail.

Statement by Defense

Attorney Arthur Lowry, in addressing the jury for the defense, said:

"We expect to prove that the act was not done with malice afore-thought.

"The defendant was employed on the farm of his father in Indiana. While working there he was violently thrown from a horse, receiving an injury, at the base of his skull. After leaving the farm, he removed to Mitchell and contracted a disease which weakened his mind. At Mitchell he received medical treatment.

"He removed later to Illinois and was again attacked by the disease and received treatment in this state for the trouble. He inherited this disease from his father, who died of mental disorder. A brother is afflicted with a disease of the mind.

"The defendant was an eye witness of a murder in Monmouth which caused a permanent homicidal mania in the mind of the defendant and when the defendant drank witchhazel and essences it increased the mental disorder until the defendant was violently insane.

"On the day of the killing the defendant had been drinking hair tonic, lemon extract, etc., and was not sane when the killing was done.

"There was no malice or ill-feeling between defendant and Reutter. Reutter made the first assault and when Reutter made the attempted assault he was shot. Many people noticed that the defendant was acting queerly. We will show that the defendant was, at the time of committing the act, insane and will ask for an acquittal.

Sam Ellis Testifies

Following the opening statements the examination of witness offered by the prosecution was commenced. Sam Ellis, an employee in Reutter's barber shop, was the first witness called. Ellis testified as follows:

Have lived in Fairbury, Ill., for thirty years; am 54 years old; barber at Fairbury 25 years; knew Ernest Reutter six years; worked for him in McDowell building on Third and Locust streets.

Knew Eli Limeberry since August 15, 1917. He was a barber. Worked for Reutter until September 26, 1917. After 26th saw Limeberry on Monday following. Talked in shop with defendant on next day. Told him he was discharged. Told him there was job in Forrest. Told him Mr. Reutter wouldn't keep drinking man.

Same day talked to defendant in shop. I received a telegram from Reutter.

(The telegram was introduced and identified by the witness)

Showed telegram to defendant and gave it to him. He asked for drink of witchhazel; didn't give it to him.

I asked for keys. Defendant said they were home. Defendant said he would wait for Reutter.

Telegram said:

"Tell Limeberry to turn over keys and my tools and leave shop at once."--Ernest Reutter

Saw Limeberry at depot Thursday night. I was there to meet Mr. Reutter and did meet him and started toward the barber shop. Limeberry called to Reutter to talk to him. I went on to the shop.

I saw Reutter Friday morning. Reutter went to dinner after eleven on Friday, went north.

I saw Reutter next that evening, dead, October 5, 1917.

Marvin Limeberry, son of defendant, came to shop on Friday morning and gave Mr. Reutter a note. Reutter returned the note to him.

Monroe and Grisson worked at the shop. I sent telegram to Reutter "to wire Limeberry to quit."

Bert Monroe.

Lived in Fairbury nineteen years, barber for twelve years. Knew Reutter; worked for him four years and eight months. Knew him eight or nine years. Knew defendant, met him August 24, 1917. Eli was working for Reutter in September and October in 1917.

Defendant left shop about September 26; came back on Saturday 29.

I saw defendant on following Tuesday, October 2. I remember telegram coming to shop that day in afternoon. Ellis, defendant and myself were in the shop. Ellis got telegram, read it and gave it to defendant. Reutter went away from shop; left Tuesday, came home Thursday night.

I saw Reutter at shop October 4, about 8:30 or 8:40.

Saw Reutter at shop Friday. He left about 11 "to get my beans." Reutter had a usual route home past corner of Fourth and Maple streets. On that corner was a garage being built.

Saw Reutter being loaded into auto at corner of Fourth and Maple streets.

Next saw Reutter dead, at John Cook's morgue, October 5, 1917.

Cross Examination

Did not advise Ellis to send telegram to Reutter. Didn't tell Armstrong he didn't like defendant.

Levi P. Troehler

Live at Fairbury; age 36, lived there about 25 years. Was there October 5, 1917, between 10 and 11 o'clock. Was at my place of business, one block west of Fourth and Maple streets. I use two buildings; walk between buildings. Can see Fourth and Maple street crossing from that walk. I know Reutter, saw him on that corner. Saw defendant and his boy on same corner; were north of the center of Maple street on Fourth street, northwest from garage, west side of intersection.

I was going from my pressing room to my cleaning room.

I saw Limeberry running from Reutter; that attracted my attention. I told another fellow to look. Reutter started toward defendant, then turned to leave, then defendant would follow him. This happened three or four times. Defendant pulled a gun, then put it away. They then shook hands and talked.

I went into my buildings, went on with my work. Then Mr. Reutter walked away, toward the southeast; came back, then turned away again. Did this three times. Next time just as Reutter stopped defendant pulled gun and fired three times.

I ran to laundry; told some people; I yelled to them. The policeman was home in bed. Told drug clerk to call policeman. Then saw Bert Monroe leaving barber shop. Bert went back to shop. Then I ran back to corner of Fourth and Maple streets. Reutter was half way standing up. Several people were helping.

I got into the car and helped to load Reutter; then went back to my business.

Reutter had not fallen to the ground when I ran to the laundry. I was about 300 feet away while I was watching them talk. I heard some of the conversation between Reutter and Limeberry. I saw defendant draw his gun twice. First time he pulled gun he put it back and they shook hands.

Cross Examination.

Boy ran to north sidewalk when defendant first pulled the gun. It looked as if Reutter was going to strike Limeberry when I first saw them. That was before defendant drew his gun the first time.

William Hibsich

Live in Fairbury; age 32; cement contractor, partner of brother. On October 5, 1917, was working on garage at Maple and Fourth streets in Fairbury. I was in charge of the workmen.

I've known Reutter nine years. Saw Reutter on that corner. Didn't know Limeberry. Saw defendant in garage. Next saw him on crossing 15 minutes afterwards. I was on scaffold west side of garage. Saw Reutter and defendant on Fourth and Maple street crossing talking for 15 minutes. Didn't hear what was said. I heard gun fired; saw Reutter stagger. Limeberry shot two more times. I got down from scaffold and went over. Limeberry went northwest, then north on Fourth street. Then saw Nelson Wallace and George Hornbeck bring Limeberry back; one-half block north when I first saw them.

There were three shots. Reutter staggered after first shot. He walked about fifteen feet; blood came from his mouth and nose.

I helped put Reutter in an auto. After first shot Reutter was facing southwest fifteen feet from defendant.

Cross Examination

I was 125 feet away when I heard first shot. I saw men on crossing for first time.

Today's Session.

Following the foregoing testimony the court adjourned until 9 o'clock this morning, when the examination of witnesses for the prosecution was resumed.

Testimony of Willis C. Pitzer.

Willis C. Pitzer, manager of the Claudon Livery company, was the first witness called and testified as follows:

My age is 33 years; have lived in Fairbury for six years; am manager of Claudon's Livery company. Have known Reutter for five years; know Limeberry. On October 5, 1917, was in office of Livery company. Saw Reutter after he was shot on corner of Fourth and Maple streets. Helped to take him to hospital. Came up in car. Saw George Hornbeck pick up a gun. Harry Somers drove the car. Mr. Daly was alone; Rev. Thorpe, Methodist Episcopal preacher also. Reutter never spoke. Dr. N. M. Otis came to hospital. Reutter taken to hospital. He was dead. Occurred on October 5, 1917.

Cross Examination

Didn't see the shooting. Head the shots. Don't know who dropped the revolver.

Merton Leaf.

Have lived in Fairbury for six years; laborer. On October 5, 1917, was working for N. J. Claudon. Between 11 and 12 o'clock on that day, was at Claudon's barn on Fourth street between Locus and Maple street. Barn is next to Claudon garage. Had known Reutter six years. Saw Limeberry on October 5, 1917, in Claudon's garage, he was there about 15 minutes. Saw him again coming from Woods' restaurant. Then saw him on the corner of Fourth and Maple, between 11 and 12 o'clock that day.

Saw defendant leave garage. Saw Reutter immediately afterwards on Fourth street going north between Maple and Locust. I saw Reutter on the crossed street. Limeberry called to

Reutter and they had a conversation. Reutter shoved defendant away and kicked at Limeberry, who pulled a gun. They talked, shook hands and Limeberry put back the gun. Reutter started away and Limeberry fired three times. Reutter turned one-half way around to northeast, toward his home. Saw Reutter threw up his hands and staggered toward south side of Maple street; blood gushing from his mouth; sank down slowly to the ground.

Q--What did defendant do after shots were fired?

A--Backed up a step or two; trotted north on Fourth street; west side of street; looked back and threw up his hands; was then facing south.

Saw man named Wallace Young after Limeberry. Saw George Hornbeck going north also. Saw Limeberry. Limeberry brought back by Wallace and Baily; taken south.

When shots were fired Reutter and Limeberry were ten to fifteen feet apart. While Reutter and Limeberry were talking, I saw Limeberry have a piece of yellow paper--looked like a telegram in size and color.

Cross Examination

Masons were at garage; also Geo. Hornbeck and Walter Harrison whom I first saw Limeberry. Didn't hear the conversation between Reutter and defendant. I was about 20 or 30 feet from Maple street, about 80 feet from the two men while they were talking.

Saw Reutter grasp defendant by shoulders, turn him around and kick at him. Saw yellow paper after they had shook hands. I wasn't looking at them all the time.

There was a man with Reutter when I first saw them.

Re-direct Examination

Saw Reutter have something in his hands. I thought it a bunch of flowers--house plants. He dropped them while talking.

Re-cross Examination

Didn't have anything when Reutter shoved Limeberry.

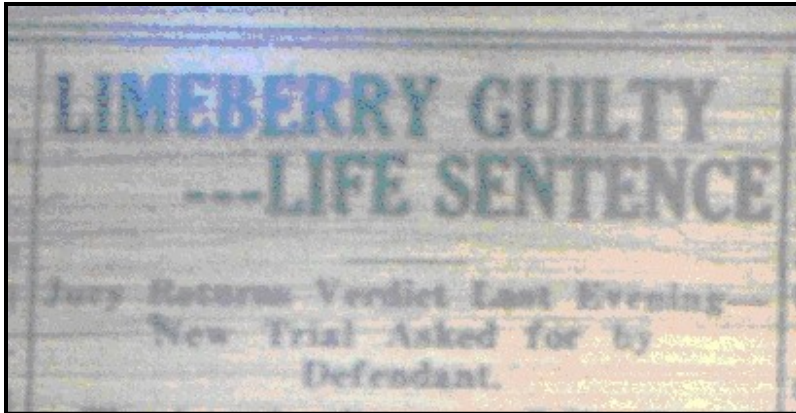
Walter Harrison

Age 22, married; live in Fairbury. Stable boss for N. J. Claudon on October 5, 1917. Barn on Fourth street between Maple and Locust streets. Was in barn between 11 and 12 o'clock that day. Knew Reutter; knew Limeberry. Saw him that day by Woods' restaurant; saw him next in garage; saw him next at Fourth and Maple street crossing. Saw Reutter there. They were talking. Saw Reutter push and kick Limeberry; who pulled a gun. I got on a bicycle and went for an officer. When I got back they were talking. Limeberry had what looked like a book, arguing. Reutter turned away and Limeberry fired three times and trotted north; was caught and brought back by Wallace and Hornbeck. Reutter and Limeberry were three or four feet apart. I was 75 feet southeast from Maple street. I helped Reutter in auto.

Cross Examination

Talked about 10 minutes before Reutter took hold of Limeberry. Only pushed and kicked once.

The Friday, February 8th, 1918, edition of the Blade is repeated below.



LIMEBERRY GUILTY---LIFE SENTENCE

Jury Returns Verdict Last Evening

New Trial Asked for by Defendant

The jury in the case of the People vs. Eli D. Limeberry for the murder of Ernest Reutter in this city on Friday, October 5, returned a verdict last evening about 4:30 o'clock finding Limeberry guilty and fixing his punishment at life imprisonment. Immediately after the verdict was read Limeberry's attorneys petitioned the court for a new trial.

The jury, like the people of this city, evidently did not believe Limeberry was insane. He took the verdict as though he did not know what they were talking about, except that he shuffled around in his chair a little bit. Following the closing of the case, Judge Patton thanked the jury for their services and discharged them.

Judge Patton reconvened court about 11:25 o'clock yesterday morning after a recess since Wednesday afternoon at 5 o'clock. He immediately began reading the instructions to the jury and at 12:25 the jury retired to its room.

The defendant in this case was in the court room, as were also his attorneys, and the attorneys for the state, besides a large number of members of the bar. The reading of the instructions consumed almost an hour.

Shortly after the jury left the court room, retiring to their rooms in the court house, they were taken to dinner, evidently not taking a preliminary ballot before dinner.

Both the state and the defense completed their arguments to the jury Wednesday afternoon. Attorney W. W. Wilson, assisting state's attorney J. H. McFadden in the prosecution of the case, was the last to address the jury, following Attorney A. E. Lowry for the defense. On the completion of the arguments to the jury, a recess was taken until

7:30 Wednesday evening. Immediately following the convening of court Wednesday night an adjournment was taken until yesterday morning to allow the court to consider the instructions to the jury handed him by the attorneys for the state and defense.

Limeberry Offered As a Witness.

Monday the defense offered to call the defendant, Eli D. Limeberry, as a witness. State's Attorney McFadden objected on the grounds that all the evidence that had been offered by the defense tended to show the defendant insane, and that he was therefore an incompetent witness. Judge Patton then announced that there would recess until 1:30. At the reopening of court in the afternoon the state's attorney withdrew his objection that the defendant is not a competent witness to testify in his own behalf. The attorneys for the defense called the defendant as a witness and asked that he be sworn. Limeberry did not obey counsel, did not hold up his hand and could not be sworn. A motion by the attorneys for the defense to have the defendant sworn in the presence of the jury was overruled.

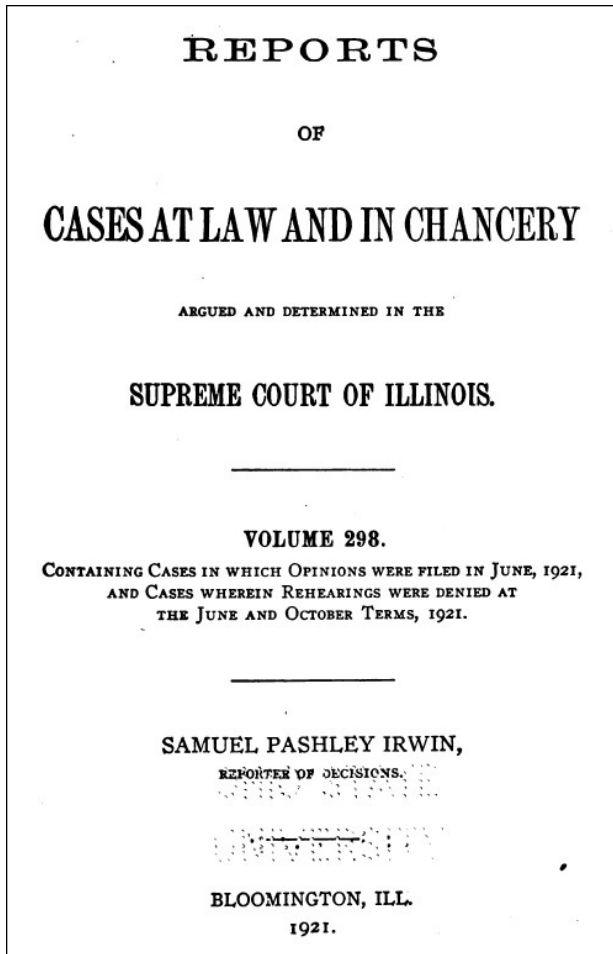
Many witnesses were called by the state from this city. They had either had barber work done by Limeberry or had been associated with him off and on during his stay in our city. They were all of the opinion that he was sane. Another witness called by the state was Edward F. Daugherty, deputy sheriff. He told of observations he had made in a casual way while in the performance of his duties of Limeberry at the county jail. He also stated in his testimony that Limeberry had had several short conversations with him since the trial began; once or twice asking for conversations; once he asked to speak to his attorneys; once of asking who R. M. Niven, one of his attorneys, was, and of another where he asked if his wife and children and the brother were there. He also told how the defendant before leaving the jail would carefully brush his hair and how after arriving at the court house would manage to disarrange his hair so as to allow part of it to fall down over his eye.

Appeal to the Illinois Supreme Court

Eli Limeberry appealed his sentence all the way to the State of Illinois Supreme Court in 1921. He contended that he should have been found innocent because he was insane when he committed the murder.

Unfortunately, the Illinois Supreme Court did not over-turn his life sentence.

Limeberry's appeal case is well documented in a 1921 book which covers all appeals cases heard by the Illinois Supreme Court.



The portion covering the particulars of Limeberry's case is repeated below.

Mr. JUSTICE CARTER delivered the opinion of the court:

Plaintiff in error, Eli D. Limeberry, was tried and convicted in the circuit court of Livingston county on the charge of murder and sentenced to the penitentiary for life. The record has been brought to this court by writ of error.

Limeberry at the time the crime was committed was a barber and had worked in a shop owned and operated by Ernest Reutter, in Fairbury, Livingston county, from late in August, 1917, until October 5, 1917, when he shot and killed Reutter.

He had worked regularly from the time he was employed until the shooting, except a few days when absent at Monmouth, Illinois, as a witness called by the State in a homicide case. Reutter left Fairbury after Lime berry went to testify in Monmouth, and after Limeberry got back, Ellis, one of the barbers, who was in charge of the shop in the proprietor's absence, telegraphed Reutter suggesting that he discharge Limeberry, and a telegram in response discharging Limeberry was received and shown to Limeberry on October 2.

The telegram ordered Limeberry to deliver his keys and other things belonging to the shop to Ellis, which he refused to do. He inquired of Ellis when Reutter would return to the city, and was told Thursday evening, October 4. He went to the train with his son, about eleven years of age, to meet Reutter. Ellis also met the train and talked with Reutter first. While Limeberry was waiting at the depot he met J. B. Armstrong, who was in charge of another barber shop in Fairbury, and while talking together he called Armstrong's attention to the fact that his son had a revolver in his pocket, and Armstrong told him he had better not have the revolver around as he might be arrested, and Limeberry replied that that was why he let the young boy carry it.

After Ellis had met Reutter at the train and had a talk with him they started to walk away together, when Limeberry stopped Reutter and said he wanted to talk with him, Ellis going on. There is evidence tending to show that during this talk Limeberry asked Reutter to come to his house that evening, and that Reutter promised to come, but although Limeberry waited for some time for that purpose Reutter did not come to Limeberry's house.

The next morning Limeberry sent a note to Reutter at the shop by the eleven-year-old son, Marvin, and Reutter wrote on the back of the note, "Good job at Forrest," and the boy returned the note, with that answer on it, to his father.

The evidence shows that at this time Limeberry had made arrangements with Armstrong to enter his employ, and that morning, after receiving the note, he went with his son to the Armstrong barber shop and left the son on the street to watch for Reutter when he went by on his way to dinner. The son did this, and between eleven and twelve o'clock ran into Armstrong's shop and told his father Reutter was starting home. The father and boy went into the street, and when Reutter came along Limeberry met him and asked why he was discharged, and called deceased a vile name. Thereupon the deceased, who was considerably larger than Limeberry, kicked at him, or, according to some of the testimony, kicked him. They then had a little further talk, and deceased said, "You know why I did it; I discharged you because you were drinking, and we did not want you around the shop." Limeberry used some violent language in response, and the porter in Reutter's barber shop, who had come near and saw that Limeberry had taken a revolver from his pocket, called Reutter's attention to the fact that his dinner was waiting and he ought to go, and deceased started off, when Limeberry took hold of his arm and said, "I want to talk to you," again stating that deceased had treated him badly in discharging him the way he did, and Reutter replied, "All right." Lime berry said, "What did you fire me for?" and Reutter re plied, "I just told you why I fired you; I have to go to dinner; see you this afternoon," and started away. Limeberry again took the revolver out of his pocket and fired three times at Reutter, one of the shots taking effect in his abdomen and another in the neck, the latter being a mortal wound. Limeberry then started away at a fast walk or at a run, going something over half a block from the scene of the shooting. On seeing his pursuers coming near him he threw his revolver away, held up his hands and was taken into custody by two of the men attracted by the shooting and placed in the city lock-up. Reutter was taken at once to the hospital and died very shortly from the effect of the wounds.

On the trial and in this record the shooting is admitted practically as stated, but the defense is that plaintiff in error was insane and therefore not responsible, and also that the trial court committed various errors which it is insisted should reverse the case.

Plaintiff in error at the time of the shooting was about thirty-six years old. He was born in Indiana, on a farm. It was testified that when about twenty-one years old he was thrown from a horse and as a result was carried to the house in an unconscious condition, in which condition he remained for several hours and was confined to the bed by the accident for several days. He remained on the farm after this accident for some time and then learned the barber trade. He was married about 1905 and went to work as a barber, afterward moving to Illinois.

His sister testified that he was called home by his father's death, in 1909, remaining at the home a few days; that on this occasion she observed him sitting under a tree and putting stones on the ground; that he refused to come to dinner one time when called, and was seen to stand and look across the fields and when approached and addressed by relatives would not reply; that he was observed to be crying without giving any reason.

It was further testified that he was seen by one of his brothers turning chairs over and throwing the bedclothes on the floor. This brother testified that when he was home at that time he looked wildly out of his eyes and seemed to be nervous; that on another occasion, while visiting at the brother's house, he went to bed with his clothes on. There was also testimony that at another time, five or six years previous to the trial, while he was being shaved by a barber who had known him since boyhood in Indiana he tried to get out of the chair but being talked to by the barber quieted down; that later he was taken by the same barber on a trip to West Baden for treatment and wanted to get out of the train when it was moving but was brought to his seat by his barber friend and taken to West Baden; that he stayed a day and then went back home; that on this trip, without any apparent reason, he grabbed a check from the hand of one of his companions and tore it up. The doctor who examined him at West Baden (or French Lick Springs) said he thought some of his actions were strange.

He worked at or near Monmouth as a barber for two years or more before he went to Fairbury, in August, 1917, part of the time running his own shop. A short time before he left Monmouth he saw a homicide committed in a restaurant or ice cream parlor, and it was in regard to this crime that he was sent for as a witness to come to Monmouth just a few days before the shooting here in question. A nephew, who also saw the homicide, testified that he met him in Monmouth on this trip and that he seemed very nervous; that during their visit there they went together, apparently at plaintiff in error's request, into the country and into a field of growing corn, and plaintiff in error said he did not want to go back to the city; that he was going to try to hide in the field, and he bent down some of the cornstalks for a place of shelter and showed he thought he was being pursued.

The nephew testified that he thought he was crazy at that time. A sister-in-law of plaintiff in error testified that in 1917, while he was running a barber shop in Monmouth, he visited her and sat down on the floor instead of sitting in a chair; that in a few minutes he jumped up and sat on a bed; that she talked with him but he would not reply and only stared at her; that when he tried to get up she pushed him back on the bed and held him

there; that she sat by his bed the rest of the night, and when morning came he got up and walked into the kitchen, drank some coffee and went away.

The State's attorney who sent for plaintiff in error as a witness and to whom plaintiff in error had told the story of the shooting in Monmouth right after it occurred, saw him on this trip back to Monmouth and told him that he did not think he needed him as a witness, as the testimony was largely on whether the accused then being tried in Monmouth was crazy or of sound mind.

After he returned to Fairbury from Monmouth, while talking to one of the barbers in Reutter's shop, the conversation turned to the homicide trial in Monmouth, and plaintiff in error said to the barber he did not know whether or not the defendant would be convicted as he was playing insanity strong and he thought he was going to get away with it.

Both the State's attorney and the sheriff in Monmouth, who had known plaintiff in error for some time and who had considerable opportunity to talk with him while he was back there as a witness, testified they thought he was sane at the time and had been sane during the time they had known him in and about Monmouth for the two years or more before he went to Fairbury.

Part of the time while plaintiff in error was employed by Reutter in the barber shop there were three other barbers besides himself working there. At first he went to work at the third chair, Ellis being in charge of the first chair. The plaintiff in error was found to be a good barber, quick at work and attentive to the customers, and he was finally moved up until he had the first chair. . Ellis testified that he did not want to remain in charge of the first chair, as it took so much of his time in settling and paying checks and making entries as to the amount of money taken in, so he requested Reutter to make a change, and the proprietor placed plaintiff in error in charge of the first chair.

There is an intimation in plaintiff in error's brief that being placed in charge of the first chair made Ellis jealous, and the further intimation seems to be that Ellis' testimony may have been colored by his dislike of plaintiff in error. We find little, if anything, in the record to justify such conclusion.

There is no evidence that would show any real cause for trouble between Ellis and plaintiff in error because of the latter's discharge by Reutter, although his counsel insist that Ellis was responsible for the discharge and had instigated the employer to make it.

It appears from the record that Ellis told plaintiff in error during the time he was working at the shop in Fairbury that neither he (plaintiff in error) nor anyone else could remain working there unless he kept sober and attended to business; that Reutter would not have a man who was drunk about his shop, and that he also told him a short time before he was discharged that he would not be surprised if he was discharged, because he had not been acting as he should.

The evidence tends to show that plaintiff in error had been drinking witchhazel, lemon extract or bay rum the last few days he was employed by Reutter and that he had been under the influence of intoxicants at the time of his visit to Monmouth, and the State's attorney and the sheriff at Monmouth so stated.

The evidence shows that when plaintiff in error came to Fairbury after having been employed by Reutter he made arrangements for renting a house and shipping his goods; that there was some trouble about his goods being injured on the way; that he filed a complaint with the railroad company, and that he went about the business of renting a house and collecting these alleged damages in a methodical and businesslike way.

The evidence of those who were familiar with that work in the barber shop does not tend to indicate in any way that he was not in a normal condition, mentally or physically. After he was arrested and taken to jail there is evidence tending to show that when he thought he was not watched by outsiders he acted as if he was in a normal mental condition, but that he would act strangely when somebody came in to see him or when he thought he was being watched.

He would sit staring for a long time at the floor or at some place in the room and would appear frightened if people came in to see him. He would keep tapping the floor, and would not set his feet firmly upon the floor, like an ordinary person would in walking, but would walk on his toes. There is practically no testimony except from relatives,—sisters and brothers by blood or marriage,—with reference to his mental condition being any thing but normal, their testimony showing, it is claimed, that he was not in his right mind, describing isolated cases, usually several years apart. Some of the medical experts for the State testified that the condition described by these relatives as to those periodic attacks were all consistent with alcoholic indulgences and not consistent with any known mental disease; that in no kind of insanity does a man act by spells and periodically, as testified, while at other times he is for long periods absolutely normal.

It appears from the record that while plaintiff in error was being tried he would stare for long intervals at fixed places in the court room, roll his head and act strangely in other ways; that he refused to talk with his counsel in regard to the trial; that when certain doctors came to see him he told them he did not know his name or why he was in jail.

Near the close of the trial his counsel, during the absence of the jury from the court room, asked to have plaintiff in error called as a witness, and at first an objection was made by counsel for the People, but they said they were willing to have the trial judge examine plaintiff in error and decide whether or not he should be allowed to testify. Counsel for plaintiff in error objected to this preliminary examination as to his qualifications to testify taking place in the absence of the jury, and the court finally ruled that if they wanted plaintiff in error to testify they must have him sworn by the clerk, and told them to take their client before the clerk and have him sworn.

He was so taken but refused to hold up his hand, and refused to answer the court when asked if he wanted to be sworn.

The jury was then brought in and counsel for plaintiff in error again demanded that he be sworn. Plaintiff in error himself took no part in the discussion and refused to be sworn, and the court finally refused to allow him to take the witness stand, although requested by plaintiff in error's counsel to allow him to walk from his chair in the court room to the witness chair, so as to allow the jury to see his physical condition.

It is clear from the statement made by the trial judge, as shown by the record, that he refused this request because of his opinion that the plaintiff in error's actions had been fully noted by the jury during all the days of the trial, and that his counsel were seeking an opportunity to have plaintiff in error take the witness stand for the purpose of making a further exhibition of his mental and physical condition.

It is manifest from this record that if no errors of law were committed during the trial which seriously affect the result the jury were amply justified from the record in finding plaintiff in error sane and responsible for the crime with which he was charged. It is necessary, therefore, for us to take up and consider the numerous errors that are charged by counsel for plaintiff in error to have been committed during the trial.

The After-Math

Ernest Reuter Family

Since Ernest Reuter had been separated from his wife for many years, there were no wife and children to carry on life after his death.

Ernest Reuter is buried in Fairbury's Graceland Cemetery.

Eli Limeberry Family

Eli Limeberry was sent to the Joliet Prison to serve his life sentence.



The new Statesville Prison opened in 1925. Both prisons continued to operate the rest of the 20th century.

In the 1940 U.S. Census, Eli Limeberry is still shown as an inmate at the Joliet Prison.

Eli Limeberry died in 1951 and records indicate he died in his home town in Indiana. It is unknown what year he was released from prison.

Soon after the murder trial was over, Mrs. Limeberry took her three children and moved back to French Lick, Indiana. She died in 1968 in French Lick.

Summary

Ernest Reutter was a hard-working German immigrant who successfully ran a barber shop in Fairbury and also dealt in real estate.

Eli Limeberry was probably an alcoholic barber. When he was fired, he got the idea that he could murder Mr. Reutter and use an insanity plea to avoid any prison sentence.

His insanity plea failed for several reasons. It was discovered that he was just involved in an insanity plea case in Monmouth where he testified as a witness. Through being an eye-witness and testifying in this case, he became familiar with the use of an insanity plea. His behavior before the murder also did not support the fact he was insane.

Apparently the Illinois Supreme Court also believed he was not legally insane when he committed the murder. They refused to over-turn his life sentence.

CHAPTER 7

1928 Murder of James Delos Churchill

Fairbury in the Summer of 1928

The 1920's was a good time to live in Fairbury. Agriculture did well and the Great Depression would not start until October 29, 1929.

To give a flavor of Fairbury life in 1928, below is a photo of the High School and some ads from the 1928 High School Yearbook.



Your Protection--

INSURANCE

--Keck's Agency

WE DO PICTURE FRAMING

Why not have some of your older pictures reframed with modern mouldings.

FULTZ STUDIO

Good Clothes For Every Man

\$35.00 \$40.00 \$45.00

Exclusive fabrics in masculine designs and colorings. Handcrafted in the season's styles. Fine quality throughout.

KUPPENHEIMER

—SOLD BY—

Walton Bros. Co.

Graduation Day Isn't Far Away--

A CORONA TYPEWRITER

Would make a Useful and Appreciated Gift. They come in Scarlet, Bruce Green, Channel Blue, Cream and Black.

EASY TERMS

THE BLADE PUBLISHING CO.

MEET ME AT

Sheet's Central Cafe

Next to the Fairbury Bank

"A Better Place To Eat"

Fine Meals and Lunch

Snow & Palmers Famous Ice Cream

We Feature Our Coffee

You'll Appreciate Our Service

LUMBER AND
AND
BUILDING MATERIAL

**SCHNETZLER-DAILEY
LUMBER CO.**

"The Complete Lumber Yard"

A HOT OPPORTUNITY
TO SAVE COAL CASH

—BUY FROM—

**The CO-OPERATIVE
COAL CO.**

THE BEST FROCKS IN TOWN
and the
BEST LOOKING
come from

The B-M Store

Of Course — Special showings of
Party and Reception Dresses
in the spring.



When ever you want anything in
snappy

MEN'S WEAR

be sure to look at our Store.

BECKLEY & SON

GOLD PENN MOTOR OIL
PURE PENNSYLVANIA
A 1000 Mile
Guarantee
SWENEY GAS AND OIL CO.

INSURANCE
VEATCH-MOWERY AGENCY
Office
Blade Bldg.

J. N. BACH

**LUMBER AND BUILDING
MATERIALS**

Quality Materials at
Reasonable Prices

ESTABLISHED 26 YEARS

Phone 123

East End

Bess Service Station

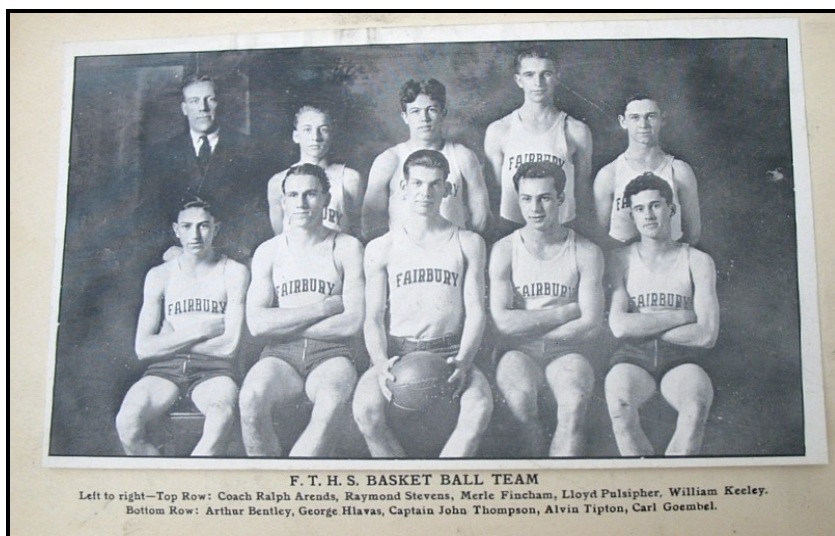
SHELL PRODUCTS

**ICE CREAM, CANDY AND
CIGARS**

TWO CLEAN REST ROOMS

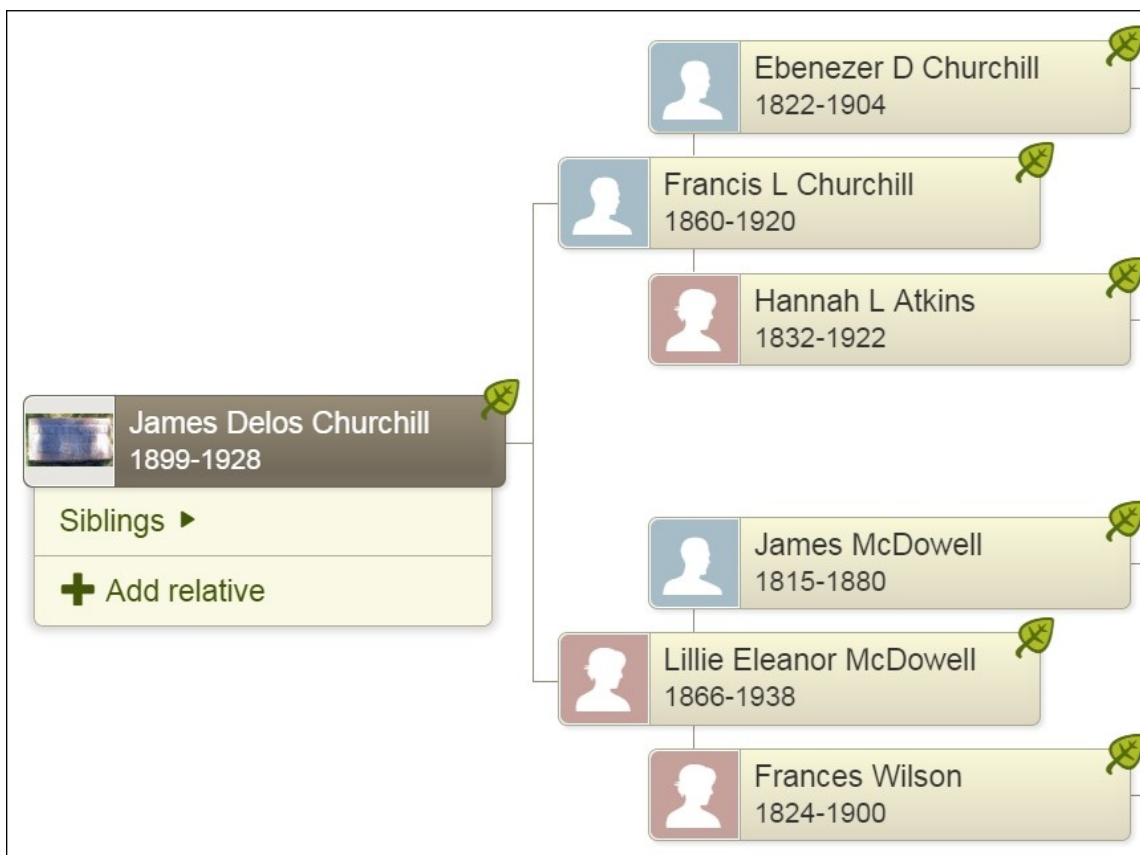
Seventh St. on Route 8
Telephone 1053

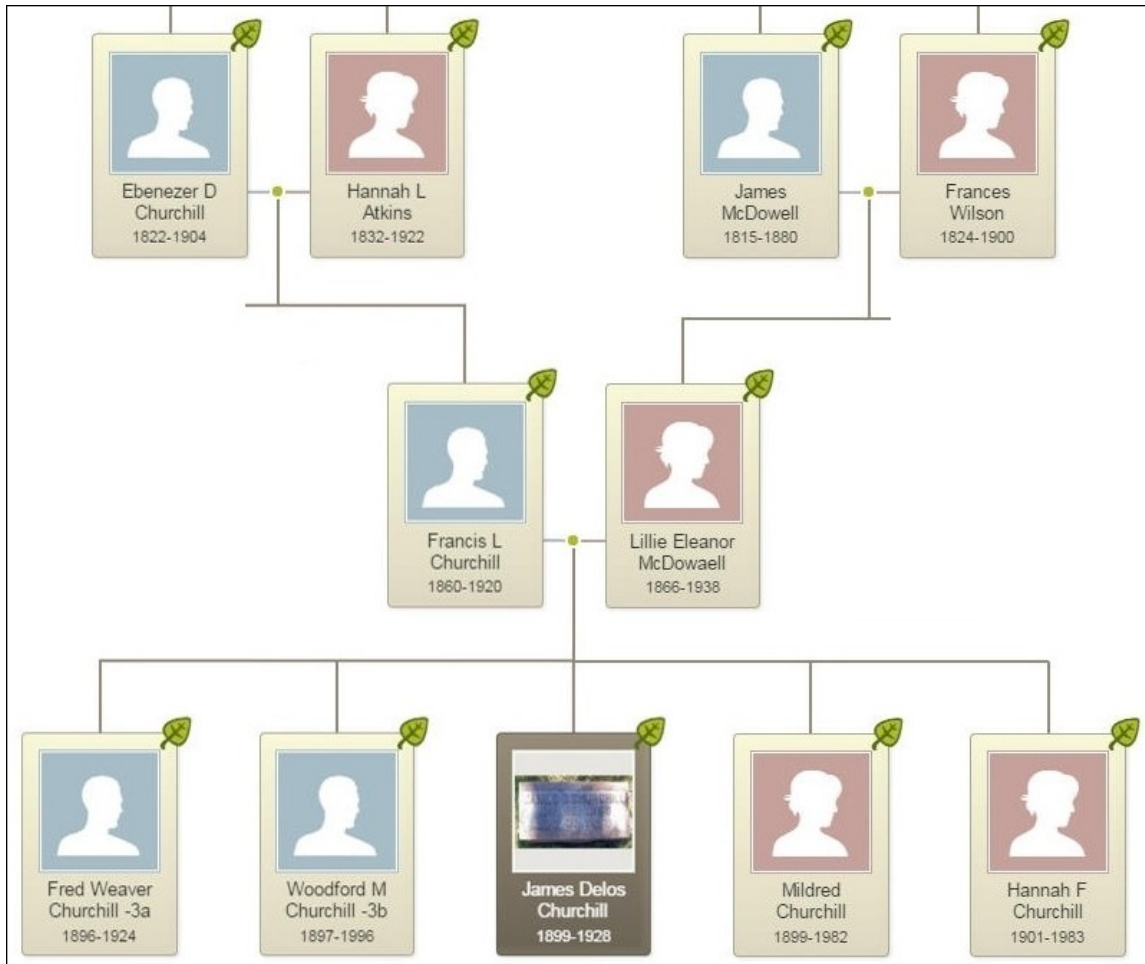
And here is the 1928 Fairbury Township High School basketball team:



James Churchill Family Tree

The family tree of James Churchill is shown below:





The mother of James Churchill was Lillie McDowell. The McDowell's were some of the pioneer settlers in the Fairbury area. The 1878 history book, ***The History of Livingston County Illinois***, is full of information on the McDowell family.

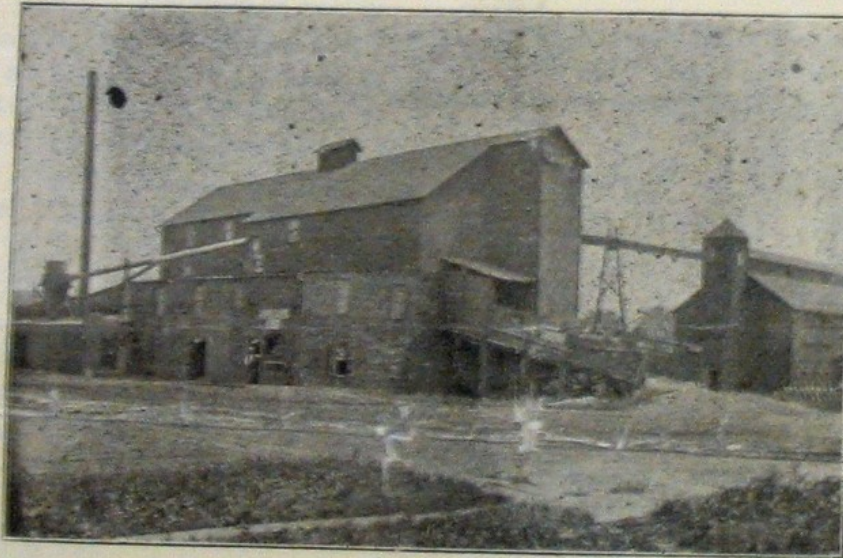
An 1898 Fairbury Blade article included a biography of Francis L. Churchill and a picture of his elevator in Fairbury. Note that the Churchill elevator was referred to in the murder of Amos Brown in a previous chapter.

FRANK L. CHURCHILL.

Frank L. Churchill, grain dealer, owns and operates the West End elevator in Fairbury and also conducts the same business in Weston. He handles an immense amount of grain each year, being well and favorably known among the farmers. He was born at

ton Bros. He was married May 5, 1893, to Miss Lily McDowell, daughter of the late James McDowell, of this place. They have two fine boys. Fred, born May 12, 1896, and Woodford, born October 23, 1897.

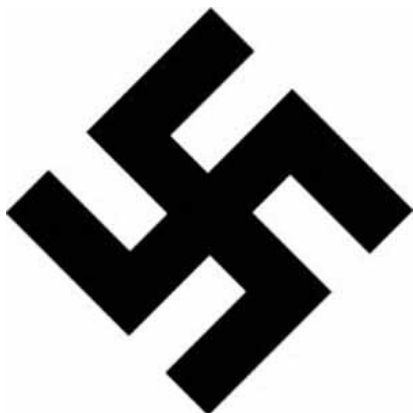
Mr. Churchill is a man of liberal culture, having his chief enjoyment in the



Madison, Wisconsin, February, 1860. The family moved to Chenoa about 1868. Mr. Churchill was educated in the common schools and afterwards in the University of Illinois. He came to Fairbury about eight years ago purchasing the West End elevator of Wal-

pleasures of his elegant home and in the amusements and occupation of the scholar. His life has been marred by no untoward circumstances and both himself and his excellent wife have every prospect for a long and happy future.

When Swastika Was not a Bad Word



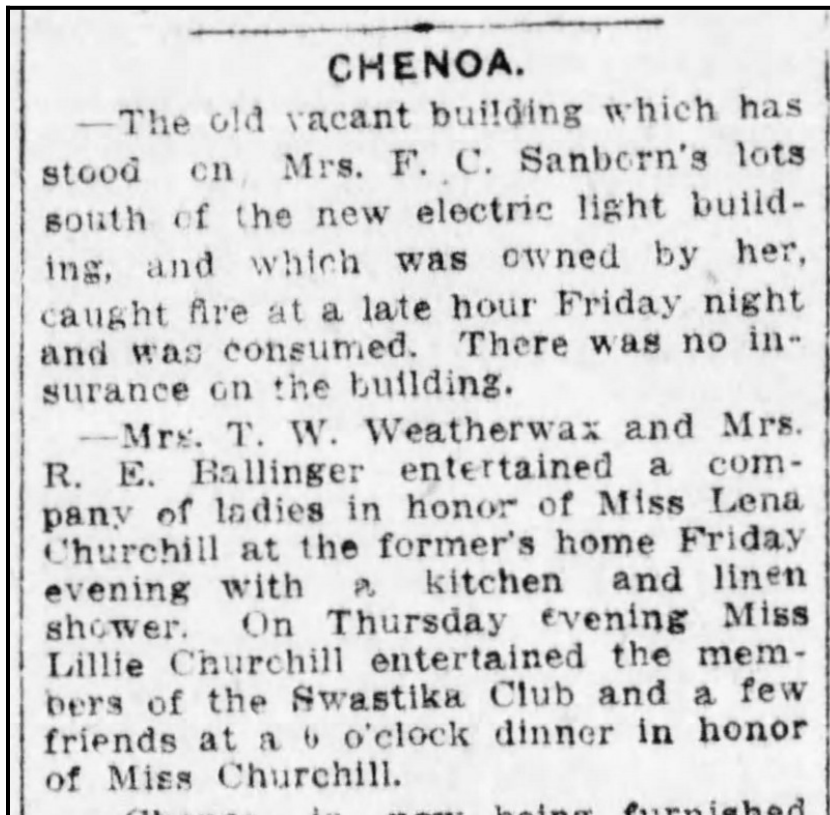
Today we here the word Swastika, we automatically get negative thoughts because of Adolph Hitler adopting the Swastika as the symbol of his Nazi government.

Before World War II, the Swastika was thought to represent good luck. The Ladies Home Journal came up with a scheme to sell more magazine subscriptions. From Wikipedia.org:

The Ladies' Home Journal sponsored a Girl's Club with swastika membership pins, swastika-decorated handkerchief and a magazine titled "The Swastika". Their version of the symbol was square with right facing arms. The club was formed at the beginning of the 20th century to encourage young women to sell magazine subscriptions.

This scheme was based upon women forming clubs, then they would get \$1 for every subscription they sold to the magazine. A search of the digital version of the Pantagraph newspaper finds many Swastika Club meetings from 1907 until World War II.

James Churchill's mother, Lillie Churchill, was involved with the Swastika Club per this November 7, 1913, Pantagraph article.



The Chenoa history web site includes the founding of the Chenoa Swastika Club:

SWASTIKA CLUB

The Swastika Club was organized in about 1908. Its membership consisted of teachers and professional women, namely: Bertha Thrane, Lena and Hattie Churchill, Maude and Grace Fairfield, Ella Evans, Gertrude Castle, Helen Monroe, Inez and Maude Thomas, Mabel Adolph, and Mina McCollister.

The Churchill family had both brothers Fred and Woodford serve in World War One. A short biography of each appeared in the book *Livingston County in the World War*:

349 Inf. — 328 Inf.

CHURCHILL, FRED WEAVER, Fairbury, Illinois. Born May 12, 1896, Fairbury, Illinois. Farm manager. Inducted September 4, 1917, Pontiac, Illinois. To Camp Dodge, Iowa. Pvt., Co. L, 349 Inf., 88 Div. Transferred to Hdqrs. Co., 349 Inf., Camp Dodge, October 7, 1917; to Co. A, 328 Inf., 82 Div., Camp Gordon, Georgia, February 12, 1918. Promoted to Cpl., October 20, 1917; to Sgt., December 5, 1917. Sailed from Boston, Massachusetts, March 1, 1918, on H. R. M. S. Grampian. Landed at Liverpool, England, March 20, 1918. Trained at Rest Camp, Southampton, England; LeHavre, France; Abbeville, France. Engagements: St. Mihiel Drive, September 12-28, 1918; Argonne Forest, September 28-October 5, 1918; Meuse-Argonne, October 5-15, 1918. Wounded at Grand Pre, October 14, 1918, gas and slight G. S. W. right hand. Sent to hospital at Contrexeville, October 15, 1918. Sailed from Bordeaux, France, December 8, 1918, on U. S. S. Maui. Landed at Hoboken, New Jersey, December 17, 1918. To Camp Merritt, December 17, 1918; to Camp Grant, Illinois, January 12, 1919. Discharged January 20, 1919.

S. A. T. C.

CHURCHILL, WOODFORD McDOWELL, Fairbury, Illinois. Born October 23, 1897, Fairbury, Illinois. Farmer and student. Inducted October 8, 1918, Champaign, Illinois. Pvt., S. A. T. C., University of Illinois. Discharged December 21, 1918.

Unfortunately, Fred Churchill never fully recovered from being gassed in France during the war. He died in 1924 per this Blade article:

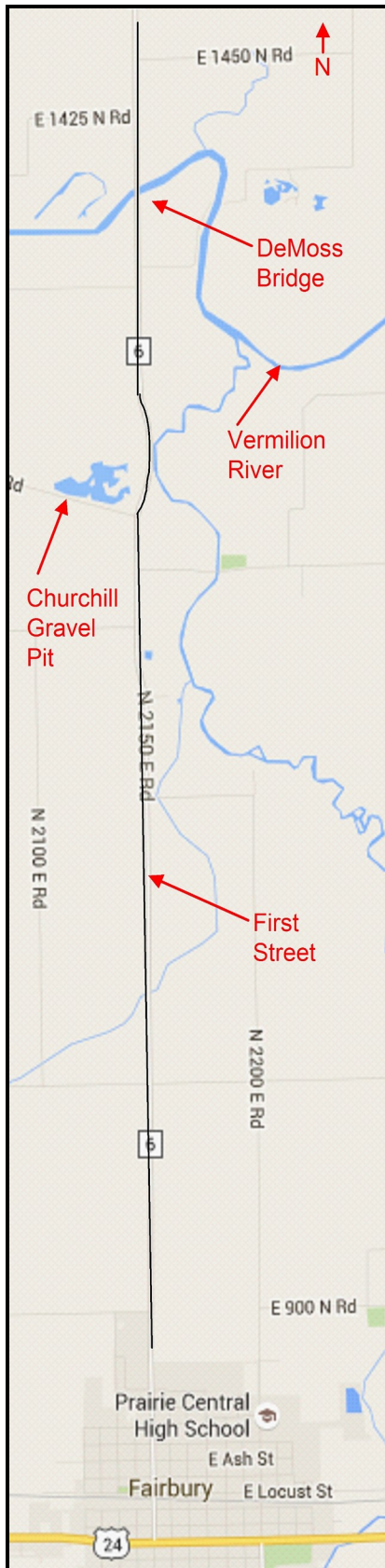
This community was shocked and saddened Wednesday afternoon when it was learned that Fred Churchill had passed away. He was wounded and badly gassed while serving his country in France, and his health had gradually declined since that time. He was aged 27 years, 9 months and 23 days.

James Churchill attended the Fairbury Township High School and graduated in 1916. He and his classmates are listed in the Class of 1916 yearbook:

<i>Class of 1916</i>	
Lee Garber, Teacher, Butler College.	Laura Barnes, Teacher, Oglesby, Ill.
Wren Garber, Salesman, Fairbury, Ill.	Alfred Bach, Salesman, Urbana, Ill.
Nola Goslin (Dailey), Fairbury, Ill.	William Bartlett, Farmer, Fairbury, Ill.
Ruth Graves.	Stella Bills, Detroit, Mich.
Emma Guthrie, Student, Illinois State Normal.	Lelia Broadwell (Odell), Fairbury, Ill.
Florence Hieronymus, Fairbury, Ill.	James Churchill, Farmer, Fairbury, Ill.
George Jenkins, Salesman, Chicago.	Wilma Codlin (Wells), Bloomington, Ill.
Scott McDowell, Ranchman, Clovis, N. M.	Dorothy Crouch, Teacher, Macomb, Ill.
Roy Ross, Minister, Minnesota.	Alta Conn (Byrne), Champaign, Ill.
Elizabeth Scouler, Teacher, Berkeley, Calif.	Walter Dailey, Lumber Dealer, Fairbury, Ill.
Harry Somers, Physician, Chicago.	Dewey DeMoss, Fairbury, Ill.
Ruth Presler, Hannibal, Mo.	Claude Dillon, Farmer, Ney, O.
Voda Thatcher (Hanna), Ohio.	George Foster, Salesman, Chicago.
John Wagon seller, Farmer, Fairbury, Ill.	Orma Fuller, Fairbury, Ill.
Helen MacDonald (Johnson), Wabash, Ind.	

The Churchill family also operated a gravel quarry north of Fairbury. It was north on First Street, before you get to the Vermilion River.





The DeMoss bridge was north of the quarry, spanning the Vermilion River.

One of the principal uses of gravel from the Churchill quarry was to make and maintain roads. The June 23, 1938, issue of the Pantagraph covered the story of the Churchill quarry being awarded a road contract.

Street Material Contracts Let

Pantagraph Central Illinois Service.

CHATSWORTH.—E. M. Bess of Chatsworth has been awarded the contract for approximately 2,500 cubic yards of crushed rock to be spread on the village streets. Mr. Bess will employ from eight to 12 local men to do the work, which is to commence soon.

The Churchill Gravel company of Fairbury has been awarded the contract for 1,553 cubic yards of gravel and the Trunk Oil company will supply 3,500 gallons of oil with which the surfaces are to be covered.

The crushed rock is paid for by the bond issue and the gravel by motor fuel tax fund. Contracts were let at a board meeting held at the council rooms Tuesday morning and afternoon.

The Churchill's lived in one of the splendid large homes in Fairbury at the northwest corner of Maple and Second Streets. The street address is 200 West Maple street.

Below is a picture from the 1898 Blade of the Churchill home in Fairbury:



He is a color version of the Churchill home from the famous painting showing the many old homes in Fairbury:



Below is a July 2015 photo of the Churchill home:



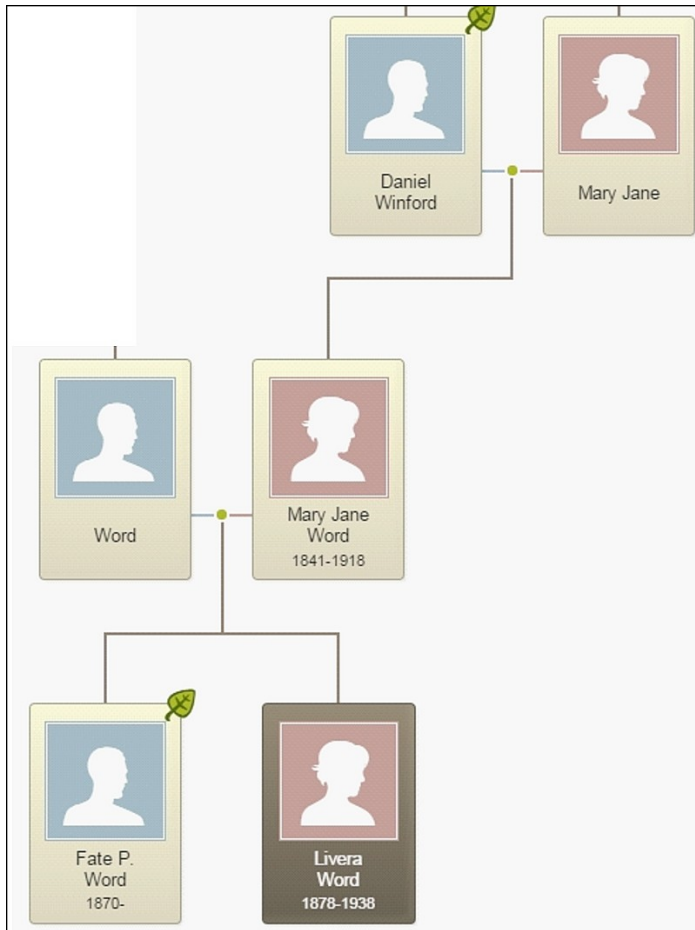
Harice Leroy Carter Family Tree

The author was unable to find much information about the family tree of Harice Leroy Carter. He was a native of Georgia and moved to Fairbury about 1925. He lived at 602 West Maple Street in Fairbury. He was black or African American.

He worked in Forrest as a night cook at the B. & J. railroad restaurant. He was 30 years old in the summer of 1928.

Livera Word Family Tree

Livera Word was a black woman who lived in Fairbury at 602 West Ash Street. Her brother, Fate Word, lived next door at 600 West Ash Street.



Livera and her brother Fate lived in Fairbury most of their lives. Their family came from Tennessee. Her mother Mary Jane Word moved to Fairbury as a widow and lived with Livera. Mary Jane Word is buried at the Fairbury Cemetery.

In the summer of 1928, Livera was 50 years old. Her brother Fate was 58 years old.

Livera had two black female friends. Their names were Florence Caldwell and Ella Henderson.

Livera owned a blue Chevrolet sedan. It is unknown what year her car was.

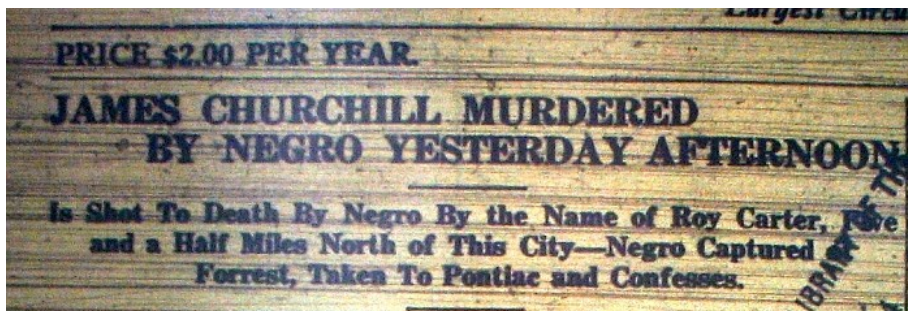
Below is a picture of a 1926 Chevy sedan, typical of the Chevy designs of the mid 1920's.



A Typical 1926 Blue Chevrolet Sedan

The Murder

As expected, this murder was a front page story on the June 1, 1928, Fairbury Blade newspaper.



Fairbury Blade

June 1, 1928

JAMES CHURCHILL MURDERED BY NEGRO YESTERDAY AFTERNOON

Is Shot To Death By Negro By the Name of Roy Carter, Five and a Half Miles North of This City--Negro Captured in Forrest, Taken to Pontiac and Confesses.

James Churchill, aged 29, a fine young man, who had spent all of his life in this city and vicinity, was murdered in cold blood yesterday afternoon by a negro by the name of Roy

Carter, who for the past three years had made this city his home. The shooting took place about five and a half miles north of this city, just a short distance north of the DeMoss bridge. Carter was arrested at Forrest, where he had been employed as night cook at the B. & J. railroad restaurant, and where he had gone following the shooting. Last night he made a full confession of the crime.

James Churchill, together with a number of others, had been hauling gravel for some time from the gravel pit on the Churchill farm to a point this side of McDowell. Yesterday afternoon he was engaged in that occupation and with him at the time was another young man by the name of James Golff, who was also driving a team. Along about four o'clock they were driving north, with loaded wagons, on the left side of the road when Carter and several other negroes, a part of whom were women, came along from the north. Golff was ahead of Churchill, and those in the Carter car told him to pull over. They also something to Churchill as they went by, Golff stating that they cursed both himself and Churchill. When they cursed Churchill he picked up a handful of gravel and threw it on top of Carter's car. Carter and his companions then came on into Fairbury. A half hour later Carter came back and with him was Livera Word, colored. They stopped by Churchill's wagon and Carter said, "You threw mud on my car." To this young Churchill made some reply in the affirmative. Carter then invited Churchill to get down off his wagon which he did. Carter said, "Now what are you going to do about it," and with that drew a revolver from his pocket and started shooting at Churchill. He shot at Churchill three times and as Churchill sank to the ground, pointed the gun at Golff saying "You, too," and shot once at him, the shot going wild. Only one of the three shots fired at Churchill took effect, but it was deadly, entering the breast just over the heart, and coming out the left side, a little back and several inches below the armpit. Death was undoubtedly instantaneous. A doctor was called but the young man was dead before he arrived. Following the shooting Golff ran to a nearby home and telephoned for aid. Seymour Norris, for whom Golff worked, Mr. and Mrs. I. C. Herndon and others were soon on the scene, Mr. Herndon driving a team quite a distance back of young Churchill, while the team of young Golff was only a few feet ahead of Churchill's.

Livera Ward had gotten out of the car when the trouble started. Although driven by Carter the car belonged to her. Carter started up the car following the shooting and taking Miss Word in came tearing into town. It was a few minutes later he was seen running across Marsh part. The next that was seen of him he came rushing into the back door of the Fairbury Auto company garage and coming up to Frank Goode, who is employed there, said that he had overslept, missed the train, and wanted to get to Forrest in time to get to work. Carter had worked for the Fairbury Auto company for several months, washing cars, and Goode stated he would take him over, which he did. As they were getting ready to go Goode remarked that some negro had shot Jim Churchill. Carter acted as though he was surprised by the information.

In the meantime Deputy Sheriff Hartley and Chief of Police Dusenbery had been called to the scene of the murder, and sensing who the guilty party might be, by the description furnished by men working around the gravel pit, word was telephoned to Forrest to Deputy Sheriff "Buck" Gagnon. This gentleman saw the car pull up at the restaurant and arrested Carter just as he was getting ready to go to work. Sheriff Scarrett is in Hot Springs, Ark., and Deputy Sheriff Shugart, a former Sheriff, is taking his place and was

soon at Forrest, together with Deputy Sheriff's Ives, Hartley, Wesley Hanson and others. Carter was taken to the county jail at Pontiac, and the Word woman was picked up here and taken along. Before the evening was over a number of colored people were taken to Pontiac to be held for the inquest in that city at 9 o'clock this morning. Also a number of houses were searched. At the Fate Word home two revolvers were taken, one of which Word said formerly belonged to Carter.

The jury is composed of Bert Monroe, foreman, W. H. Bartlett, L. E. Broadwell, E. H. Odell, George Troehler and M. A. Anderson.

Carter strongly maintained his innocence for several hours when questioned by State's Attorney Kerr and Deputy Sheriff's Shugart, Ives, Hartley and other officials. These officers had just about decided to let him think it over until this morning when Deputy Sheriff Hartley went in to see him before leaving. It was to him, that Carter let it be known that he "wanted to talk." and within a short time State's Attorney Kerr had a full confession from Carter.

In his confession Carter stated his name was Horace Leroy Carter and that he was about 30 years old; that he was a native of Georgia, and that he came to Fairbury about three years ago. He told of going out fishing with a number of other negroes from this city; of his meeting Churchill; how he came on into Fairbury and then went back to "see what that fellow was talking about;" he told of shooting young Churchill, taking the Word woman in the car after she had started to run away from the scene of the shooting, and of his throwing the revolver away as they went over the bridge over the Vermilion river. Livera Word told the same story as Carter.

Carter says he had the revolver with him when he met Churchill the first time, but other people think different, being of the opinion that he came to town after it.

Young Golff was among those who went to Forrest following Carter's arrest and he readily recognized him. Carter had a little mustache when did the shooting, but evidently tried to disguise himself for when arrested it was gone, or mostly gone, for in his haste he had left a small patch of it.

The killing of James Churchill was one of the saddest incidents and one of the most uncalled-for and unprovoked acts of lawlessness that has occurred in this section of the state. Their sympathy of the entire community goes out to the bereaved mother and others of the family in their hour of sorrow.

Obituary.

James Delos Churchill, son of Mrs. Lillie Churchill, was born in this city January 15, 1899. He spent his entire life here, graduating from the Fairbury township high school with the class of 1916. He took an agricultural course at the University of Illinois, and later took up farming on the Churchill farm north of this city.

Surviving him are his mother, two sisters, Misses Mildred and Frances Churchill, of this city, and one brother, Woodford, of Chicago. His father, F. L. Churchill and one brother, Fred, preceded him in death.

"Jim," as he was known to his many friends in this community, was a young man liked and respected by all who knew him. His jovial disposition had won him a warm spot in

the hearts of all those with whom he came in contact, and he will be missed by them as well as in the home.

The funeral services will be held tomorrow morning at eleven o'clock from the family home at 200 West Maple street, the Rev. J. V. Kennedy officiating.

James Churchill Burial

The Avoca cemetery is north and east of Fairbury. The northwest corner of the Avoca cemetery is full of graves from the McDowell and Churchill families.



James is buried next to his parents and brothers.



Grand Jury Recalled

Back in 1928, the Grand Jury only met every six months. According to the June 8, 1928, Blade, the Coroner's Jury asked for the May Grand Jury to be recalled to hear the Churchill murder case. If the May Grand Jury was not recalled, the case would have to wait until the October Grand Jury was initiated.

June 8, 1928

Fairbury Blade

MAY GRAND JURY RECALLED IN MURDER CASE

Will Meet Next Tuesday to Hear Evidence in Churchill Murder Case

Yesterday morning in the Livingston county circuit court Judge S. R. Baker entered an order recalling the May grand jury to reconvene in Pontiac on Tuesday morning, June 12, at 10 o'clock in the forenoon to act in the murder of James D. Churchill, five and a half miles north of this city, last Thursday. This order by Judge Baker followed a petition presented by State's Attorney Neil Kerr to the court asking for such a recall.

The petition recited that a murder had been committed within the jurisdiction of the court, to-wit; on May 31, 1928, and that one James D. Churchill, a citizen of Livingston county, was shot through the body and died while in the presence of at least one witness. The petition further states that the petitioner believes Harice LeRoy Carter, sometimes known as Roy Carter, committed the said offense and is now in the custody of the sheriff of Livingston county and further that Livera Word is implicated and connected with the crime.

The petitioner further states that he believes the facts should be presented to the grand jury for investigation in order that the guilty party or parties may be ascertained and brought to a speedy trial and justice administered, and that delay until the October term would work an irreparable injury, and that injustice might be done by reason of said delay, and further represented that at least one witness is a non-resident of Illinois and is here but temporarily.

Judge Baker then entered the order recalling the grand jury and Sheriff J. R. Scarrett later in the day began the work of calling the members of the May grand jury to report before the court next Tuesday morning.

Racial Unrest in Fairbury

The murder of a white man by a black man stirred up a lot of racial unrest in Fairbury per this Blade article.

June 8, 1928

Fairbury Blade

AN EXODUS OF NEGROES

There has been an exodus of negroes from this city within the past few days. Some have been advised to leave town, others have left of their own accord, while others have left because they could no longer find work here. This outgrowth of un-popularity against negroes here came as the result of the shooting of James Churchill last Thursday by one of that race.

While the people are not placing the blame on the whole negro population for what one of their number did, there is a feeling here that for several years past this city has been a dumping ground for transient negroes, and that this condition should cease.

Fairbury has some colored families who are hard workers and who are highly respected, and we have had some others who have no visible means of support and whose homes have become a questionable reputation.

Burn Cross in Negro's Yard.

Wednesday evening at about 10:30 o'clock a party of men in automobiles drove out to the house of Mr. and Mrs. Will Grisson, colored, south of town, who work for Sam Fendrick and others in that neighborhood, and planted a burning cross in their yard.

When a representative of the Blade and Deputy Sheriff Hartley drove out that way yesterday morning they met Mr. Grisson walking to town. He said he was coming in to town to telegraph for money for himself and wife to get away. In talking of the previous evening's affair Mr. Grisson said there were some six or seven cars, and that after the occupants of these cars had put the burning cross in the yard they shot at the house, the shot rattling against the windows and some of it entering the side of the house. He said that following the shooting he and his wife blew out the lights and then going out the back door ran across the fields to the home of Quill Morris, where they remained all night. Mr. Grisson stated that the men did not try to enter the house. He said the cross was kept burning until about two o'clock in the morning. These same cars were driven through the northwest part of town where some negroes live and several shots fired.

Note that the northwest part of town where the shots were fired was the area where Harice Leroy Carter, Livera Word, and her two black friends lived.

\$50 Reward for Deputy Sheriff that Captured Carter

The Fairbury Blade covered the Supervisor's meeting. This meeting included voting to give the Deputy Sheriff that captured Carter a \$50 reward.

June 15, 1928

Fairbury Blade

SUPERVISORS IN SESSION IN PONTIAC THIS WEEK

Adjourned Last Evening Following 4 Busy Days--Vote \$50 to Deputy Sheriff for Capturing Negro

The board of supervisors has been in session at Pontiac this week, meeting Monday and adjourning last evening. Previous to adjourning the board voted to give Deputy Sheriff Gagnon of Forrest \$50 as a reward for capturing Roy Carter, the negro who shot James Churchill two weeks ago.

Note that \$50 in 1928 is equivalent to a reward of \$683 in 2014 dollars.

Carter Indicted

The June 15 edition of the Blade also covered the indictment of both Carter and Word for the murder of James Churchill.

June 15, 1928

Fairbury Blade

GRAND JURY INDICTS BOTH CARTER AND WORD

Are Charged Jointly With the Murder of James Churchill on Thursday, May the Thirty-first

The May grand jury, which was recalled especially to investigate the murder of James Churchill, which occurred on Thursday, May 31, returned indictments against both Roy Carter and Livera Word, of this city.

The jury appeared before Judge H. R. Baker in the circuit court at ten o'clock on Tuesday morning. Judge Baker immediately instructed the jury as to its duties and it retired to consider the testimony brought before it. It is understood that there were but a few appearing before the grand jury to testify. The jury completed its work in rapid time and when court reconvened Tuesday afternoon its report contained an indictment against Harice Leroy Carter and Livera Word charging them jointly with the murder of James D. Churchill on May 31, last.

Murder Trial Starts

The Blade covered the start of the murder trials.

June 22, 1928

Fairbury Blade

JUDGE HEARS EVIDENCE IN MURDER CASE--RESERVES DECISION UNTIL NEXT WEEK--HEARING FOLLOWS CARTER'S GUILTY PLEA TO MURDERING CHURCHILL

Monday at Pontiac Judge H. E. Baker heard the testimony concerning the murder of James Churchill on the afternoon of May 31 by Harice Leroy Carter, colored. This hearing followed Carter's plea of guilty made before Judge Baker on last Friday morning. After hearing the testimony Judge Baker took the case under advisement and will not render his decision until some time next week, when State's Attorney Neil Kerr, who is in Kansas City, MO., on business, returns home.

When the court opened on Monday morning the court room was filled with spectators, many of whom were farmers of this vicinity, and a number them were ladies. Carter was brought into the court handcuffed to Chief of Police Patterson, of Pontiac. As they came in from the door on the south, Carter looked the crowd over, evidently being surprised at the large number present. After being seated the handcuffs were removed by Sheriff

Scarrett and Carter was allowed to hold a conference with his attorney, L. W. Tuesburg, who had been appointed by the court, and Judge P. A. Gibbons, who had associated himself with Attorney Tuesburg, in this case, owing to the fact that he was the attorney for Livera Word, who was indicted jointly with Carter for the murder of Churchill. Following the conference with his attorneys Carter took a chair at the table with the attorneys and scarcely looked up all the time the hearing was in progress. He wore a light colored shirt opened at the neck, no coat, and black trousers. He was clean shaven and good in appearance.

In opening the court Judge Baker explained that this was not a trial in the ordinary sense of the word, as the defendant Carter had already pleaded guilty to the charge, but that it was a hearing in which the court wished to establish whether the murder was aggravated or mitigated.

Judge Gibbons at opening stated that, "as records show, I represent Miss Word, the other defendant. I feel that Mr. Tuesburg is properly fitted to present this case. After his appointment I offered to sit in on the case and my position in the case is to acquaint myself with the facts for my client and also to assist Mr. Tuesburg."

James Golff was the first witness called and was the principal witness, he being with young Churchill at the time the murder occurred. He was on the witness stand for an hour and a half. His story on the witness stand was identical in substance with the story of the murder published in The Blade the morning following the tragedy. He said his home was at Campbellsville, Ky., that he was 28 years old, and that on the day of the shooting was in the employ of Seymour Norris. He told of meeting Carter and four colored women in a car while he and Churchill were hauling gravel, the two men driving their teams on the left side of the road. He told of the first meeting south of the DeMoss bridge. "We were south of the DeMoss bridge in the afternoon going north," Golff said; "met colored party going south. As Carter drove up, he said, "Why in hell don't you pull out?" I said, "Rest of folks pull around; why can't you?" He told of Carter and the colored women cursing him as they went by. He told of Carter and Livera Word returning about 20 minutes later and of the fatal shooting of young Churchill as follows:

"About 20 minutes later blue Chevrolet sedan drove up behind us. Carter and negro woman in it. Carter says, "What did you mean by throwing gravel?" Churchill said, "I meant just what I did." Nigger said, "Get off." Churchill did and so did I. Carter commenced shooting. Fired three or four times. Three anyway, and one at me. Said to me, "You too." When Carter's bullet hit Churchill he rix up, folded his arms and as he fell he said "Oh Lord." It was a blue steel gun. Barrel about five inches long. Drew gun from hip. Churchill had on red shirt, black hat and khaki pants. Had on leather gloves. I ran across road and into timber and notified the sheriff. Only two colored people present at shooting. Saw only one gun. Churchill didn't have gun. Colored folks drove off towards Fairbury. Twenty minutes later North came up and Mr. Herndon. Churchill's team had not moved. Churchill was dead. Found one bullet hole. Shot through the heart. Shooting took place 5 9/10 miles north of Fairbury. Churchill was 29 years old."

Golff was cross-examined by Attorney Tuesburg at length, and during this cross-examination stood up and showed how Carter pulled revolver from his hip pocket and how shooting occurred.

Chester Herndon was the next witness called and told of Carter and Livera Word passing him on the road going north and of their coming back at a good rate of speed. As he rested his team on the bridge saw Churchill's body lying in the road, but did not think much about it. Driving on he came up to where Churchill was, his body resting on knees and forehead. Mr. Herndon stated they were hauling around 6,000 pounds and could not turn out very well.

C. J. Claudon and Attorney P.C. James told of being out fishing in the vicinity of where the shooting occurred and of hearing the altercation between Churchill and Carter. Dr. E. F. Law told of being called to the scene of the shooting; that Churchill was dead when he arrived. He told of the wound and that it had no doubt caused instant death.

Deputy Sheriff L. M. Shugart testified as to Carter's confession following his arrest. Carter, according to Shugart's testimony, said he had had the gun in his car all day and after the shooting threw it into the river as he went over the bridge. Carter, he said, had told him that the teams were on the wrong side of the road; that the white boys did some cursing and that the women had done some; but that he did not think he had done much. "Carter told several stories of where he got the gun and in checking them up I found them to be in the main untrue. He testified the gun was his and he bought the gun from a man from Kansas. His confession was made voluntarily. He sent for us himself and asked us what might happen. The state's attorney told him if his story proved true he might get 14 years to life in the penitentiary, or be sent to the electric chair."

The testimony of Chief of Police Patterson, of Pontiac, was in substance the facts as related by Deputy Sheriff Shugart.

Three of the four colored women who were with Carter when he came to town following the first argument with Churchill testified. They were Ella Henderson, Lurene McDaniels, and Florence Caldwell. Their testimony was to the effect that when they met Churchill an argument followed in which they cursed Churchill and Churchill cursed them. This argument starting when Churchill refused to give them the right of way. They testified that Churchill threw rocks at them he picked up out of the road.

Following the testimony of these three defense witnesses the state recalled Deputy Sheriff Shugart, who told of examining the sedan of Livera Word and found car had no dents on the top, back, or sides made by rocks. On back glass and top were spots where yellow clay or mud or yellow water had been wiped off. The smear of the rag was there and spots remained where they had not gotten the yellow clay off.

At the close of Shugart's testimony Monday Judge Baker cautioned the audience to remain in their seats. He then instructed the sheriff to return the prisoner to the county jail and the hearing was over.

Livera Word Pleads Not Guilty

The case of Livera Word was called just previous to the hearing of testimony in the Carter case. Livera Word was indicted jointly with Cater for the murder of Churchill. When the case was called by Judge Baker, P. A. Gibbons appeared for the defendant Word, while State's Attorney Neil Kerr appeared for the state. Attorney Gibbons moved that the indictment against his client be quashed. This motion was promptly over-ruled by Judge Baker.

Judge Gibbons then stated to the court that his client waived arraignment and pleaded not guilty.

Judge Baker then announced that he would set the case for trial some during the present term of the circuit court. He stated that it would have to be after the hearing of the Oliver will contest case before Judge Barry, of Bloomington, in this court, which begins next Monday. He stated further that the trial probably would be some time during the month of July.

The Word woman was then returned to the county jail by Sheriff J. E. Scarrett.

Carter Enters Guilty Plea

Carter was brought before Judge Baker last Friday morning to enter his plea in the indictment charging him with the murder of James Churchill. When the indictment was read Carter entered a plea of "guilty" in a voice that was just barely audible. It was not generally known that Carter was to appear before Judge Baker and not over 25 or 30 people were in the court room at the time. Carter was closely guarded as he was brought into the court room and handcuffed to Chief of Police Patterson. He had been brought to the court house in the county's private automobile, driven by Sheriff J. R. Scarrett. In the front seat with the sheriff was Motorcycle Policeman William Bromley and in the back seat were Harris and the chief of police.

All officers were heavily armed and a quick trip was made from the jail to the court house. But few persons saw the party unload and enter the court house. Carter was taken directly to the office of the sheriff on the second floor. Special deputy sheriffs stood guard at the doors of the circuit court room and city police stationed themselves about the room to guard against any eventuality.

Judge Baker directed that Carter be brought to the bar of the court. The handcuffs were unlocked and Carter walked nervously to a position directly in front of Judge Baker. Sheriff Scarrett stood on the right of Carter and State's Attorney Kerr on the left. Again the court inquired of Carter if he had an attorney to appear for him. He replied that he had not and didn't want any. The court asked him if he had any plea that he wished to enter. Carter replied, "I might as well plead guilty." The words were scarcely audible.

The court after requesting a copy of the indictment from Circuit Clerk J. G. Whiteon, informed the defendant that in the indictment he was charged with the murder of James D. Churchill. He asked if a copy of the indictment had been given the defendant and when informed that the defendant had not received it, instructed that a copy be given him. This was done and Carter stood for several minutes reading the document.

Judge Baker then inquired of the defendant:

"Do I understand that you wish to enter a plea of guilty?"

Carter replied that he did.

Judge Baker then explained the contents of the indictment to the defendant, and said:

"You have told the court that you do not wish an attorney to represent you and that you wish to enter a plea of guilty." Carter replied, "Yes sir." to this.

The court then explained the consequences of such a plea under such an indictment as had been returned against Carter. The court stated that the statute provides that where a plea of guilty is made to an indictment for murder that the punishment shall either be death, confinement in the penitentiary for life, or confinement in the penitentiary for any number of years, but not less than fourteen, according to the circumstances of the crime.

Judge Baker further explained that in case Carter still wished to plead guilty it should be the duty of the court under the statute to hear evidence as to the circumstances of the crime and after hearing such evidence the court will fix the penalty.

"Now that I have explained to you the consequences and procedure," the court said, "I will further explain that you have a right to have a trial by jury in which case the jury will determine your punishment if found guilty. Under the law you have a right to have an attorney to defend you. If you are not able to pay for the services of an attorney and you wish, the court will appoint an attorney to defend you. Now that the court has explained the consequences of your plea and your rights under the law, do you still wish to enter a plea of guilty?"

"I wish to plead guilty," Carter replied. An overwhelming stillness pervaded the court room as he replied, and the audience strained to hear what he said. His words could not be heard more than a few feet from the judge's bench.

Judge Baker then asked Carter if anybody had made any promises to him as to what would be done to him in case he pleaded guilty. Carter, who had in the meantime resumed his seat beside Chief of Police Patterson, replied;

"Not exactly."

"It seems to me," stated Judge Baker, "that some attorney should be appointed to represent the defendant in hearing testimony as to the circumstances of the crime. Of course, his plea of guilty admits the crime and the only question open, is the question of punishment. In order that he may have a full and complete hearing it is only fair and just that he be represented by competent counsel. I am not able to hear the evidence at this morning's session of court, but will set it down for a later date."

Later Judge Baker appointed Attorney Tuesburg as Carter's attorney.

Completion of the Two Trials

The Blade covered the completion of the trials.

July 13, 1928

Fairbury Blade

LIVERA WORD GETS 20 YEAR PENITENTIARY SENTENCE

Man Who Shot Churchill Gives Damaging Testimony--Says She Told Him to Shoot Churchill

A jury in the circuit court at Pontiac on Wednesday afternoon found Livera Word guilty as an accessory before the fact in the murder of James Churchill on the afternoon of May 31, and fixed her sentence at 20 years in the penitentiary at Joliet. She was indicted jointly with Harice Leroy Carter by a special grand jury. Carter pleaded guilty two weeks ago and was given a 99-year sentence.

It was this same Carter, whom she was with at the time that Carter shot James Churchill that turned in some damaging evidence against her. He testified among other things that Livera Word told him to shoot young Churchill; that the first time he had ever the gun that killed Churchill was after they came into town after meeting Churchill the first time.

For a murder trial this case probably set a record in Livingston county for being so brief. The case got underway before Judge Stephens R. Baker Monday morning. The jury was selected by that evening. By 10:30 on Wednesday morning the evidence had all been presented, and by 4:30 o'clock Wednesday afternoon the jury had returned its verdict.

When Carter was offered by the stat as a witness, Judge Baker himself did the questioning, the questions and Carter's answers being as follows:

By the Court,

What is your name? A. Harice Leroy Carter.

Q: How old are you? A. Thirty years.

Q. Do you know the defendant Livera Word? A. Yes sir.

Q. How long have you known her? A. Three years; a little over three years.

Q. Do you remember the 31st day of May this year, that being the day on which James D. Churchill was killed? A. Yes sir.

Q: Were you on the road running north from Fairbury across the DeMoss bridge on that day? A. Yes sir.

Q: By what means were you traveling? A. In a car.

Q: What kind of car? A. A Chevrolet sedan.

Q: Do you know whose car it was? A. Livera Word's.

Q: Where did you first get into that car that day? A. 600 West Ash street.

Q: In Fairbury? A. Yes sir.

Q: Who lives at that address? A. Her brother Fate Word lives at 600; she lives at 602.

Q: Where did you first go with that car that day? A. In the morning I had the car, went to garage and had it greased and brought it back; twenty minutes to two we went fishing.

Q: Who went fishing? A. Livera Word, Florence Caldwell, Ella Henderson, and myself.

Q: Did you all go in this car? A. Yes

Q: Who did the driving? A. I did.

Q: Where did you go from Fairbury on this fishing trip? A. North of that bridge up there.

Q: Did you fish after you arrived there? A. Yes sir.

Q: How long did you remain there fishing, about? A. Till four o'clock; we left there at four o'clock; got back to the car at ten minutes after four.

Q: Got back where? A. To the bridge where the car was.

Q: You left the car at the bridge while you were fishing? A. Yes sir.

Q: And got back to the car after you had fished at ten minutes after four? A. Yes sir.

Q: Who was with you at that time? A. The four women, Livera Word, Lurene McDaniels, Florence Caldwell and Ella Henderson.

Q: Did you then get in the car? A. Yes sir.

Q: Did you drive it away from that place? A. Yes sir.

Q: What direction did you drive? A. Toward Fairbury, south.

Q. Did you meet anybody after starting south? A. Two wagons.

Q: What were these wagons doing? A. Hauling gravel.

Q: Did you know who was in the wagons? A. I didn't know at the present, but I do now.

Q: Who was in the first wagon? A. Golff.

Q: Who was in the second? A. Churchill.

Q: How far apart were those wagons when you first met them? A. I don't know exactly how far, I guess something like 150 to 200 yards.

Q: Tell me what happened when you met the first wagon. A. He was on the left hand side of the road; I was coming south on my right hand side. I got right there and his team pulled over a little so I got by. I asked him why he didn't get over on his side of the road. Then I came on down thirty foot of Churchill. He pulled right in front of me and stopped. Then I asked how come he didn't pull over and he got down off his wagon and looked for the license numbers and said where are your license plates, and I told him it was none of his damn business. Then we argued; some cuss words passed and I pulled down in the ditch and as I passed him he threw some rocks on the car. I stopped and Livera Wood got out and some cuss words passed back and forth between he and she. The we pulled out from there and went to Fairbury. When we got to Fairbury she got out and went in the house; the rest of the women got out.

Q: When you met those wagons were you driving the car at that time? A. Yes sir.

Q: Was anybody in the front seat with you? A. Livera Word.

Q: The other three were in the back seat? A. Yes sir.

Q: What happened after you got to Fairbury? A. She got out of the car. I did too, and the other three women. She went to her house. I went and got a drink of water. She got in the car and I got in the car. There was a gun lying in between us on the seat. Then I turned and went back to the bridge.

Q: Was that the first time you saw the gun that day? A. That was the first time, when we returned back after our fishing trip.

Q: That is after you got back to Fairbury and after you got the drink? A. Yes sir.

Q: What kind of gun was it? A. 38 special.

Q: Describe it. A. Blue steel; it had cedar handle, about five or six inch barrel; I don't know exactly which.

Q: Had you left these other women? Had they got out before you got the drink? A. We all got out about the same time.

Q: Tell what happened after you got back in the car. Who got in with you, what was said and what was done. A. Livera had got into the car and I got in the car. The gun was lying between us on the seat. On the way out there she gave it to me. When we got to the bridge I blew my horn. They were on the wrong side of the road. I blew my horn; they were on the wrong side. I pulled up near even with the back of the wagon. I was even with the back wheels. Livera got out of the other side of the car and ran around to the front of the car. He ran his hand down in his bosom like he was going to pull a gun. I reached in my left side and pulled the gun and shot him. We got in the car and turned around and went back to Fairbury. She had taken three empty cartridges out and put three more in it on the way back. She says you should have let me shoot that son of a ----- . We came back and stopped. I got out on the left hand side and she was getting out on the right hand side and I went through the yard to 602 Maple street where I live and left my coat and goes up to Hanson's garage and got a car and went to my work in Forrest.

Q: Did you and the defendant have any talk with each other while you were coming back out there after you had been to Fairbury? A. There wasn't anything said between us only just before we got there.

Q: What was said then? A. She told me to shoot him.

Q: Carter, you have plead guilty to this charge of murder, have you not? A. I have.

Q: And been sentenced to a long term in the penitentiary? A: I have.

Following the direct examination by Judge Baker, Carter was cross-examined by State's Attorney Neil Kerr for the people, and by Attorney P. A. Gibbons for the defense.

On the cross-examination by the state's attorney, Carter stated that they (himself and the negro woman) had taken a number of drinks during the afternoon; that Livera Word had said to Carter, "shoot him and I'll stand behind you." That after the murder had been committed and Carter and Word were driving rapidly back to Fairbury, the defendant

Word, said, "You did shoot him, and I'll back you up." The defense attorney, Mr. Gibbons, tried hard to break down Carter's story, but Carter had but one version of the affair and he stuck to it. During one part of Attorney Gibbons' cross-examination Carter said, "I lied before, but now I am telling the truth," and gave his reasons for having lied before. "I lied because I wanted to throw the sheriff off the track," he said, "but there is no need to lie now, because they have got me."

The selection of the jury was completed at 4 o'clock Monday afternoon, Charles Kime being the last juror to be questioned. At that hour, an adjournment was taken until 9 o'clock Tuesday morning. The jury was composed of the following: T. W. Davis, Nevada township; Jacob Schreck, of Waldo township; E.R. Stoutemeyer, Chatsworth township; E. G. Horton, Dwight township; Thomas Askew, Rooks Creek township; C. A. Reiners, Pike township; Henry Koopman, Nebraska township, Frank Benedict, Waldo township; William Decker, of Fayette township; Nelson Hieronymus, Belle Prairie township, and Charles Kime, Nevada township.

At the opening of the court State's attorney Kerr in making his statement before the jury was particular in giving the legal definition of an accessory before the fact, and read one of the counts of the indictment specifically charging Livera Word as an accessory in inciting the murder by Carter.

He described the scene and the circumstances of the murder of James D. Churchill, saying the state would offer testimony to show the defendant Livera Word as an accessory.

Attorney P. A. Gibbons, on behalf of the defendant, announced to the court that the defense reserved its statement to the jury until the close of the case.

The other witnesses called besides Carter were James Golff, who was an eye witness to the shooting and who was the principal witness at the trial of Carter; Chester Herndon, Dr. E. F. Law, C. J. Claudon, P. C. James, Jr., L. M. Shugart, Sheriff Scarratt, W. A. Patterson, chief of police of Pontiac.

The testimony of Golff was practically the same as it was at the trial of Carter. The other witnesses who testified at the Carter trial told practically the same story at this trial as they did then.

Livera Word, the defendant, took the witness stand in her own defense. She stated that she was born in 1878, and had lived in Fairbury some 47 or 48 years. She told of Carter coming to her home quite early the morning of May 31 and of the plans made to go fishing, her story leading up to the meeting of Churchill on the road hauling gravel. She testified that after they had met Churchill the first time and she and her party had returned to Fairbury, she and Carter remained seated in the car; that she did not place the gun on the seat of the car or upon their return to the scene of the argument say to Carter, "Shoot him and I'll stand back of you."

She testified on direct examination that it was when she heard Churchill threaten to kill Carter at the time of the fatal argument that she got out of the car and ran south on the road; that she heard none of the shots; that Carter picked her up on their return to Fairbury. The defendant further testified that on the afternoon of June 29, about 4 o'clock

that Sheriff Scarrett and Chief of Police Patterson, of Pontiac, had her and Carter brought into the office of the county jail, where these officers threatened him by stating they would send him to the electric chair. She said it was after Carter had been threatened that he told the officers that she had given Carter the gun, told him to kill Churchill, etc. She also said that the two officer had it in for her and told her that they were going to see that she got what was coming to her for the part she took in the murder, and that they were going on the stand and testify against her.

On cross-examination by State's Attorney Kerr much of the testimony of the defendant differed with that of prosecuting and defense witnesses. She testified among other things that the final meeting with Churchill was south of the bridge instead of north.

Following Livera on the stand State's Attorney Kerr called Sheriff Scarrett and Chief of Police Patterson to the stand, both of whom testified that they had confronted Livera Word with Carter on June 29, after Carter had received his sentence in court; that they did not threaten him with the electric chair because he had already received his sentence.

Sheriff Scarrett testified that after Carter had received his sentence he asked to make a full statement of the affair of his own free will. A stenographer was gotten and he made substantially the statement made in his testimony Tuesday in the trial.

Fate Word, a brother of the defendant, was a witness called by the defense Wednesday morning, who testified that he lived next to Livera Word in this city, who testified to the possession of several guns of several kinds; that the blue steel .38-calibre Smith & Wesson revolver belonged to him; that he loaned it to Livera at the time the officers found it in her possession about four years ago, but that she had not had it for the past two years. Other witnesses called by the defense were the three other colored women who were with her and Carter the first time they met Churchill the afternoon of the shooting.

W. A. Patterson, deputy sheriff, and Sheriff J. R. Scarrett testified to searching the Word premises in this city following the shooting of Churchill and finding various firearms and a box of cartridges.

Speedy Justice System

James Churchill was murdered on May 31, 1928. By July 13, Carter had been sentenced 99 years and Livera Word to 20 years in the penitentiary. This means the case was resolved in about six weeks.

Carter Does His Prison Time at Joliet

Harice Leroy Carter started to serve his prison time at Joliet prison in 1928 after his murder trial ended.

In the 1930 census we find him serving his time at the Joliet prison:

Harice Le R Carter in the 1930 United States Federal Census



View blank form

Add alternate information

Report issue

Name:	Harice Le R Carter				
Birth Year:	abt 1898				
Gender:	Male				
Race:	Negro (Black) [Black]				
Birthplace:	Ohio				
Marital Status:	Married				
Relation to Head of House:	Inmate				
Home in 1930:	Joliet, Will, Illinois				
Map of Home:	View Map				
Street address:	Illinois State Penitentiary				
Institution:	Illinois State Pententiary				
Attended School:	No				
Able to Read and Write:	Yes				
Father's Birthplace:	Georgia				
Mother's Birthplace:	Georgia				
Able to Speak English:	Yes				
Neighbors:	View others on page				
Household Members:					
	<table><thead><tr><th>Name</th><th>Age</th></tr></thead><tbody><tr><td>Eli Limeberry</td><td>48</td></tr></tbody></table>	Name	Age	Eli Limeberry	48
Name	Age				
Eli Limeberry	48				



Suggested Records

1940 United States Census
Harice L Carter



[Write a comment](#)

Make a Contribution

Find others who
Carter in Public

It is interesting to note that one of his fellow inmates was Eli Limeberry, the murderer of Ernest Reutter!

In the 1940 U.S. Census, we find Carter still serving his time at Joliet:

Name:	Harice L Carter				
Age:	42				
Estimated birth year:	abt 1898				
Gender:	Male				
Race:	Negro (Black)				
Birthplace:	Ohio				
Marital Status:	Married				
Relation to Head of House:	Inmate				
Home in 1940:	Lockport, Will, Illinois				
Map of Home in 1940:	View Map				
Street:	US Route No 66, 5 Miles North Of Joliet				
House Number:	1				
Inferred Residence in 1935:	Lockport, Will, Illinois				
Residence in 1935:	Same House				
Sheet Number:	17B				
Institution:	Illinois State Penitentiary Stateville				
Attended School or College:	No				
Highest Grade Completed:	None				
Hours Worked Week Prior to Census:	1				
Neighbors:	View others on page				
Household Members:	<table> <tr> <th>Name</th><th>Age</th></tr> <tr> <td>Harice L Carter</td><td>42</td></tr> </table>	Name	Age	Harice L Carter	42
Name	Age				
Harice L Carter	42				

Carter Appeals His Case Twice to Illinois Supreme Court

Carter appealed his murder conviction twice to the Illinois Supreme Court. He lost both of these appeals.

An excerpt from the second appeal in 1949 is shown below:

CARTER v. PEOPLEN. 30820.

403 Ill. 567 (1949)

88 N.E.2d 31

HARICE LEROY CARTER, Appellant, v. THE PEOPLE OF THE STATE OF ILLINOIS, Appellee.

Supreme Court of Illinois.

Opinion filed September 22, 1949.

BISHOP, MITCHELL & BURDETT, (STEPHEN A. MITCHELL, WILLIAM I. CONWAY, and PETER J. BRENNAN, JR., of counsel,) all of Chicago, for appellant.

GEORGE F. BARRETT, Attorney General, of Springfield, (WILLIAM C. WINES, of Chicago, of counsel,) for the People.

Judgment affirmed.

Mr. JUSTICE FULTON delivered the opinion of the court:

Plaintiff filed a motion in the nature of a writ of error coram nobis, or, in the alternative, a petition for writ of habeas corpus, in the circuit court of Livingston County, seeking a reversal of a judgment of conviction for murder and sentence to 99 years imprisonment imposed by that court in 1928.

Appellant previously prosecuted a writ of error in this court on the common-law record only, there being no bill of exceptions. On that record this court affirmed the judgment of conviction and sentence. (People v. Carter, 391 Ill. 594.) Certiorari was granted to the Supreme Court of the United States, and the decision of this court there affirmed.

The record filed in the present case includes the transcript of the evidence presented at the hearing in May, 1948, in the coram nobis proceeding and also the transcript of the testimony at the hearing in the original criminal case on June 18, 1928, on the question of mitigation or aggravation of sentence, attached to the motion as exhibit "A."

On this appeal it is the evident intention of appellant to place before the court all of the facts and circumstances surrounding the trial in the circuit court of Livingston County, in support of his contention that he was deprived of due process of law under the fourteenth amendment of the Federal constitution. It is conceded by the People that this motion is the appropriate proceeding to raise the questions involved in this case and that it discloses circumstances to toll the Statute of Limitations.

This is a capital case and it is urged by appellant that he was deprived of due process of law (1) because he was induced to plead guilty by reason of duress and misrepresentations by the law officers, (2) by reason of the failure of the trial court to appoint counsel to represent him before the arraignment and plea, and (3) because of the absence of any intelligent, competent waiver on the part of the appellant of his constitutional right to counsel.

The answer of the People denied the averments of appellant as to lack of education, knowledge and understanding of the charge against him, as to failure to waive his right to counsel, and as to any coercion into making any plea of guilty or waiver of any right. The answer further alleges that appellant did not require counsel except for the hearing on mitigation or aggravation and that the counsel appointed for him on that hearing fully advised and counseled appellant as to all of his rights and fully represented him as to his right to withdraw his plea of guilty.

On the hearing, full and complete testimony was taken, and after argument the circuit court entered an order finding that appellant had failed to sustain the allegations of his petition; that he was accorded all of his constitutional rights and that he was not denied due process of law under the fourteenth amendment of the Federal constitution. Also, that he did knowingly, intelligently and voluntarily waive whatever rights are accorded to him there under.

The important facts shown in the exhibits attached to the motion, and in the transcript of testimony, show that on the evening of May 31, 1928, the appellant, a negro, 30 years of age, with a limited education, while driving back from a fishing trip to Fairbury, accompanied by four women and a boy, all colored, became involved in a violent dispute, over the right of way on a public road, with the driver of a horse-drawn gravel wagon.

The driver and a companion hauler of gravel were traveling on the left side of the road, which was the only well-beaten path on the highway, and appellant quarreled and disputed their right to hold the wrong side of the road.

The appellant, his lady companions, and the drivers, both white, engaged in violent name calling, consisting of obscene, profane and vile epithets, together with racial insults.

Appellant finally drove around the gravel wagons and proceeded on to Fairbury. In the neighborhood of half an hour, appellant and one female companion returned and renewed the quarrel.

One driver, James Churchill, got down off his wagon and, at about the same moment, appellant slipped out of his seat in the automobile, drew a revolver and shot and killed Churchill instantly.

Later in the evening appellant was apprehended, arrested and taken first to Fairbury and then to the county jail at Pontiac. A rumor of mob violence arose and appellant was removed by the sheriff from the county jail at Pontiac to the jail at Bloomington.

He was returned to the county jail at Pontiac on June 4, 1928. On June 12, 1928, he was indicted in the circuit court of Livingston County for the murder of Churchill and three days later on June 15 was arraigned, no counsel appearing for him, and pleaded guilty to the murder, which plea was entered of record on that date.

A hearing on mitigation or aggravation of the offense was heard by the court on June 18. Prior to that hearing the court appointed L.W. Tuesburg, a reputable attorney, to represent the defendant on the question of mitigation or aggravation of the said offense.

Considerable testimony was taken at that hearing and attorney Tuesberg examined and cross-examined all witnesses at length in behalf of appellant; whereupon the court took the matter of mitigation or aggravation of the offense under advisement.

On June 29, 1928, the circuit court sentenced the appellant to the Illinois State Penitentiary for a term of 99 years.

The present motion was filed in the circuit court of Livingston County on March 12, 1948.

Appellant emphasizes the following facts in support of his position that he was not properly represented by counsel and that he did not intelligently waive such right. That

during all the time after his arrest on May 31, 1928, until after his plea of guilty on June 15, 1928, he was held incommunicado; that the only information or assistance rendered him came from the law-enforcing officers; that in a conversation with the State's Attorney he was told he could plead guilty and take a long prison term, or plead not guilty and get the electric chair. This last statement was denied by the State's Attorney. Further, that he was ignorant, uneducated and unable to understand anything about his right to counsel or other constitutional rights; that the threat of mob violence, and the feeling and hysteria aroused in the community against him and other negroes bewildered and confused him; that the five-page indictment served on him at the time he was called upon to plead was entirely unintelligible to him; that the court erred in not giving him the right to advice of counsel before making his plea; and that he was denied due process of law in not being represented at every stage of his case by capable and responsible counsel.

In the hearing on this petition in the nature of a writ of error coram nobis, the facts surrounding the arrest and conviction of plaintiff, Carter, appear to have been fully presented to and considered by the circuit court of Livingston County. We have repeatedly stated that such a petition "lies to set aside a conviction obtained by duress or fraud, or where, by some excusable mistake or ignorance of the accused and without negligence on his part, he has been deprived of a defense which he could have used on his trial, and which, if known to the court, would have prevented conviction.

We do not find in the record any affirmative proof that plaintiff was held incommunicado from the time of his arrest until he was sentenced. It is true he was carefully guarded by the sheriff and his deputies but there is no testimony that any of his friends were denied the right to see him in the jail during that period and no proof that he asked to see any person or friend and that such request was denied. Neither is there any evidence of fraud, duress or coercion on the part of the law-enforcing officers.

The assertion that he was bewildered and confused by the threat of mob violence is unduly emphasized because, within a very few days after the shooting occurred, the hysteria appears to have subsided so far as the knowledge of the plaintiff was concerned.

The most important question to be determined is whether, from the facts introduced at the hearing, Carter understandingly and intelligently waived the right to the appointment of counsel at the time a plea of guilty was accepted and entered by the court.

At the time of his arraignment, the court, before entering the plea of guilty, very carefully explained to plaintiff the charge of murder in the indictment. He asked Carter four or five times as to whether or not he wanted an attorney appointed to represent him, and informed appellant that if he did not have funds or financial ability to employ an attorney, the court would appoint one for him. The court further explained to plaintiff the consequences of a plea of guilty and that the punishment might be the death penalty or imprisonment in the penitentiary for any term of years not less than fourteen. Plaintiff was then instructed as to his right to a trial by jury, but at all times persisted in pleading guilty, and at all times he told the court he did not want an attorney.

His conduct, with his anxiety to plead guilty, does not indicate any ignorance or lack of education insofar as an understanding of his position was concerned. Rather it quite convincingly shows that he knew he had committed a grave crime and decided it would be wiser to plead guilty and throw himself upon the mercy of the court, hoping that he would not thereby receive the extreme penalty. Under the statutes of the State of Illinois in force in the year 1928, and under the established practice as it existed at that time, there was no further duty imposed upon the court to appoint counsel for appellant.

Without discussing the details further, we feel that the plaintiff's rights were clearly and fully explained to him and that he knowingly and voluntarily chose to dispense with counsel.

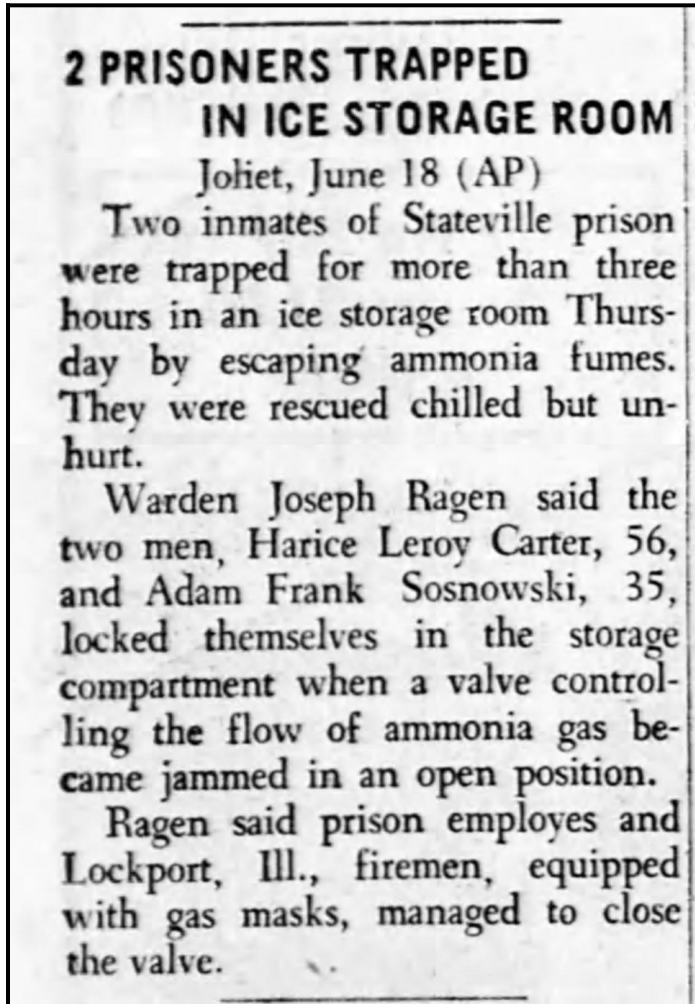
We have read with care and respect the repeated announcements of the Supreme Court of the United States that the due-process clause of the Federal constitution is not satisfied by formal compliance with procedural regularity, (Mooney v. Holohan, 294 U.S. 103; Marino v. Ragen, 332 U.S. 561; Carter v. Illinois, 329 U.S. 173,) but cannot find any fundamental unfairness to plaintiff in the record of this case. We further appreciate what the Supreme Court has said in many cases about the protection to be afforded defendants in criminal cases by the appointment of counsel, but we believe the facts and the situation here are readily distinguished from many of those cases. (Tompkins v. Missouri, 323 U.S. 485; Powell v. Alabama, 287 U.S. 45; Williams v. Kaiser, 323 U.S. 471.) It is the earnest and sincere desire of this court to follow the established policy of both the State and Federal governments on affording to all criminals due process of law and to avoid the slightest possible friction over practice and procedure. However, as we read the record in this case, none of the fundamental constitutional rights of the appellant have been violated.

Two trial judges, one who presided at the time of arraignment and plea of guilty, and one who, twenty years later, decided the issues in this case, after careful investigation, found that the appellant, with his rights fully explained to him, knowingly decided he did not desire counsel. We believe their findings and the judgment in the coram nobis proceeding to be fully supported by the testimony and the facts in this case, and that judgment is affirmed.

Judgment affirmed.

Carter Almost Killed in Joliet Prison

The June 18, 1954, edition of the Decatur Daily Review newspaper published the following story about Carter narrowly escaping death in the Joliet Prison.



Carter Paroled in 1959

The March 31, 1959, edition of the Pantagraph covered the story of Carter being granted parole. He served 31 years in prison for the murder of James Churchill.

March 31, 1959

Pantagraph

Stratton Shortens Sentence of Convicted Fairbury Killer

Carter's Term Cut--Parole Possible in July

FAIRBURY--The 31 year old fight for freedom for convicted Fairbury murderer Harris Leroy Carter neared the end Monday when Gov. William G. Stratton commuted the 99 year sentence to 93 years, making him eligible for parole in July.

Carter was convicted in 1928 for the murder of James Churchill.

The case began simply enough, with the accused man entering a plea of guilty to the charge that he shot James Churchill May 31, 1928, in an argument over whose vehicle had the right of way on a road near the DeMoss bridge five miles north of Fairbury.

The case was heard before Circuit Judge S. R. Baker of Pontiac. Carter pleaded guilty to the murder charge and was sentenced to 99 years in the penitentiary, the sentence being imposed on June 29, 1928.

TO U.S. HIGH COURT

In 1938 Carter filed a petition in Livingston County Circuit Court that he was denied the right of proper defense counsel at his trial in 1928. The case went to the state Supreme Court and the petition was denied in November of 1945. The case traveled to the U.S. Supreme Court which voted 5 to 4 in 1946 upholding the judgment of the state high court.

Stephen A. Mitchell of Chicago, state appointed attorney for Carter argued the case in Washington, U.S. Justice Frank Murphy wrote a vigorous dissenting opinion in which he called the murder hearing a "gross miscarriage" of justice." Mitchell later was Democratic national chairman.

During the Supreme Court hearing Mr. Mitchell said Justice Felix Frankfurter criticized Illinois' lack of clear procedure for post conviction hearings, such as requested by Carter.

10 YEARS LATER

"What's the matter with criminal jurisprudence in Illinois?" Mitchell remembered the justice asking.

In January of 1948 Carter filed a motion for review of the proceeding which would take into account testimony and outside factors influencing his pleas of guilty.

After two postponements the hearing asked for was scheduled and got under way May 19, 1948, at Pontiac.

Mr. Mitchell, at the hearing, first attempted to establish Carter's lack of education, which Carter contended prevented him from understanding his right of counsel and trial in 1928.

Secondly, he sought to show that a fear of mob violence influenced his plea.

When Carter testified on May 20, 1948, he said that he had been told in 1928 he would "get the electric chair" if he did not plead guilty to the murder of Churchill.

CLAIMS CHOICE OFFERED

Under questioning by Mitchell, Carter described an interview in Livingston County Jail in 1928 with a man he believed to be Neil Kerr, state's attorney for the county. It was this man, Carter told the court, who offered him a choice of pleading guilty and taking "A long term in prison" or going to the electric chair.

Carter was on the stand for an hour and 35 minutes. He told the court of being transferred from Livingston County Jail to the McLean County Jail in Bloomington the night of his arrest.

Sometime after midnight, Carter testified an officer came to his cell and told him "there were about 30 cars of men outside to mob me." Carter said he was taken out the back door of the jail and placed in a car and taken to Bloomington. There, Carter told the court, he was told to keep his "mouth shut".

NOTES DESTROYED

On the third and last day of the hearing Mrs. Margaret Cruse, who served as court reporter during the trial of Livera Word, as an accessory to the murder, testified that she had destroyed shorthand records of testimony in the case while cleaning out her attic in 1942. The shorthand notes had never been transcribed and placed in the circuit court records.

The retrial motion was denied. The following day Mitchell announced intentions of carrying Carter's fight for a retrial to the Illinois Supreme Court. Judge Sesler, who presided at the hearing, made his ruling after sufficient evidence was not introduced to support the prisoner's contention.

The case in 1948 was an outstanding one in regard to Illinois criminal law. It was one of the cases responsible for a rule laid down by the state supreme court making it mandatory for Illinois courts to tell any defendant accused of a crime punishable by a penitentiary sentence that he had the right to have a lawyer.

"RACIAL FRICTION"

In January of 1949 the case went to the Illinois Supreme Court.

Mitchell told the court that "a clear question of racial friction was involved."

In June of 1949 the state senate approved a bill to provide remedy for prisoners in penitentiaries who claim their constitutional rights have been violated by the courts. The bill was an outgrowth of the Carter trial.

The measure provided a procedure under which a prisoner may go behind the bare court record in proving he was denied constitutional rights, such as the right to counsel.

The fight for freedom of Mr. Carter, a Negro short order cook at Forrest, was to be carried to the United States Supreme Court a second time in 1949. The action followed the Illinois Supreme Court ruling which denied that Carter's contention that he had been deprived of constitutional rights to counsel during his hearing and sentencing.

DECLARED REFORMED

In July of 1950 Carter filed a clemency application with the Illinois parole and pardon board. The board refused executive clemency in September of the same year.

In and 1953 and 1954 the case was brought to the attention of the board and again turned down. The same was true in 1955.

Monday the State Parole and Pardon board heard the case again. This time Carter's door to freedom was pushed open, making him eligible for parole in July. The board said, "he was reformed."

Death of Harice Leroy Carter

The author was unable to find any further information on Harice Leroy Carter. At the time of his parole in 1959, he was 61 years old. No record could be found of his death or final resting place.

Livera Word

In 1928, at the age of 50, Livera Word was sentenced to 20 years in prison as an accomplice to the murder of James Churchill.

According to Ancestry.com, Livera Word died in prison in 1938. She was 60 years old when she died. She served 10 years of her 20 year sentence.

Livera Word in the Illinois, Deaths and Stillbirths Index 1916-1947

✓ Saved to Word, Livera in tree "Livera Word Family Tree" Remove



Index-only record

 Add alternate information

 Report issue

Name:	Livera Word
Birth Date:	21 Jan 1878
Birth Place:	Lebanon, Tenn
Death Date:	25 Aug 1938
Death Place:	Nevada, Livingston, Illinois
Burial Date:	27 Aug 1938
Burial Place:	Fairbury, Livingston, Ill.
Death Age:	60
Occupation:	Domestic
Race:	Black
Marital Status:	S
Gender:	Female
Residence:	State Reformatory for Women,
Father Name:	James Word
Mother Name:	Mary Jane
FHL Film Number:	1818886

According to Dominy Memorial Library's online cemetery search system, Livera Word is buried in the Fairbury cemetery:

Search Burial Records

Last Name

First Name

Cemetery
Any Cemetery ▼

Section
Any Section ▼

Block

Search

Interments

Last Name	M	First Name	Date of Death	Cemetery	Section & Block
Word	(colored)	Livera	8/25/1938	Graceland	Morris Addition, 11

Summary

It is a sad story that a dispute over which lane of the road to use caused the death of James Churchill and the life imprisonments of both Harice Leroy Carter and Livera Word.

Livera Word was a major factor in this murder because it was her car and her gun that was used in the crime. She also encouraged Harice Leroy Carter to go back out to the traffic dispute site and to shoot James Churchill.

Family Tree of Lela Colwell

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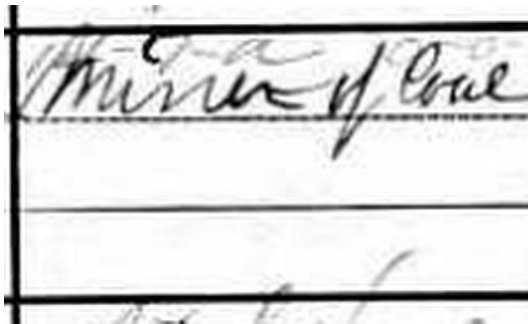
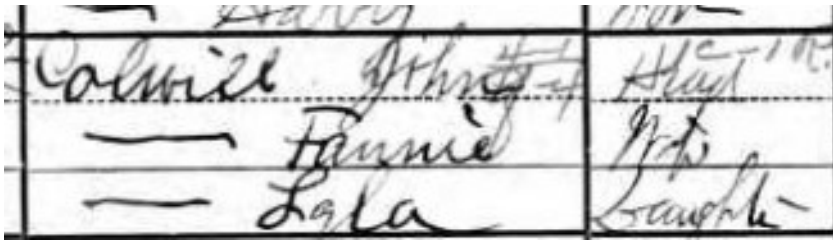
graph TD
    John[John Colwell  
1865-1936] --- Hannah[Hannah F. Cumpston  
1863-1932]
    John --- Lela[Lela Florence Colwell  
1895-1960]
    Hannah --- Lela
  
```

John Colwell
1865-1936

Hannah F. Cumpston
1863-1932

Lela Florence Colwell
1895-1960

[illegible]



The Colwell name is sometimes spelled Colwell, and sometimes spelled Colwill in the historical records.

According the 1930 Census, Lela's father still listed his occupation as miner. Both Lela and her mother listed their occupation as "none". They lived on Ash Street in Fairbury. It is likely that after both of Lela's parents died, she continued to live in her parent's home. Here is a July 11th, 2015, photo of this house:



According to the Dominy Memorial Library's web site where you search Graceland Cemetery, both of her parents, and Lela are buried in the Fairbury cemetery.

Search Burial Records

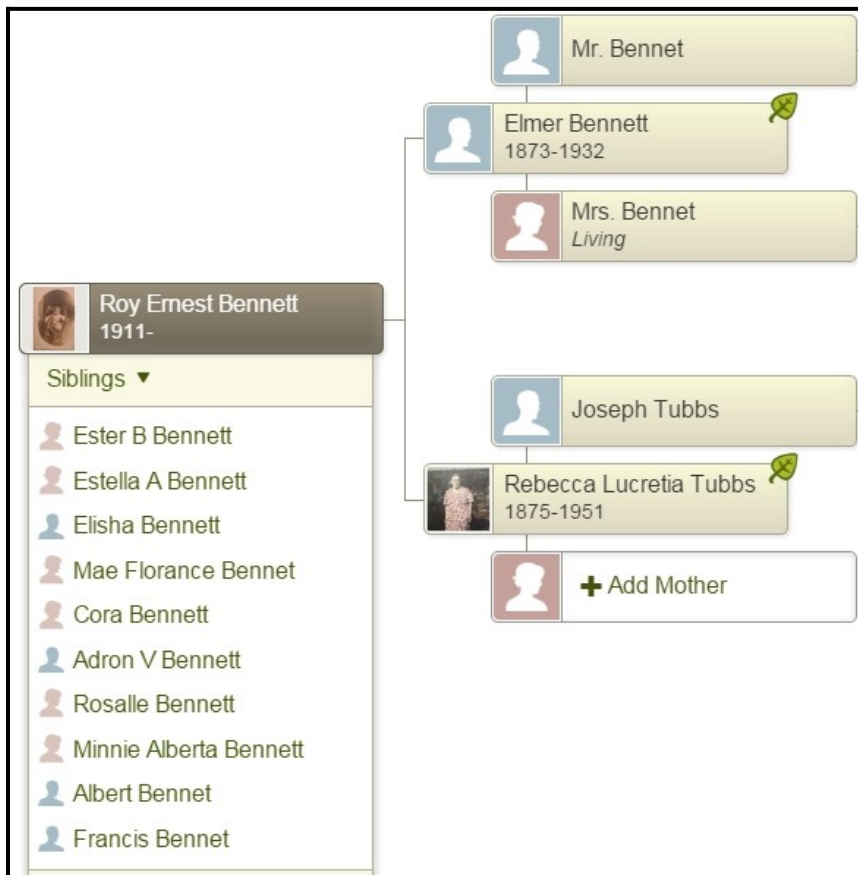
Last Name	<input type="text"/>	First Name	<input type="text"/>
Cemetery	<input type="text" value="Graceland"/>	Section	<input type="text" value="Old Cemetery"/>
		Block	<input type="text" value="12"/>
<input type="button" value="Search"/>			

Interments

Last Name	M	First Name	Date of Death	Cemetery	Section & Block
Taylor		Mrs O J	7/3/1898	Graceland	Old Cemetery, 12
Crull		Samuel and Lizzie		Graceland	Old Cemetery, 12
Talbott		Nettie	12/23/1966	Graceland	Old Cemetery, 12
Talbott		Thomas	3/25/1923	Graceland	Old Cemetery, 12
Talbott		Mary	8/5/1920	Graceland	Old Cemetery, 12
Hornsby	Raymond	Clifford	9/18/1907	Graceland	Old Cemetery, 12
Goslin	B	Frank	1/29/1935	Graceland	Old Cemetery, 12
Goslin	Bell	Ann	6/28/1943	Graceland	Old Cemetery, 12
Colwell		Lela	7/12/1960	Graceland	Old Cemetery, 12
Colwill		John	7/26/1936	Graceland	Old Cemetery, 12
Colwill	Frances	Hannah	8/4/1932	Graceland	Old Cemetery, 12
Boschen		John	4/3/1937	Graceland	Old Cemetery, 12
Foreman	A.	Lucy	11/19/1931	Graceland	Old Cemetery, 12

Although a Blade newspaper story says Lela attended Fairbury schools, there is no record of her graduating from Fairbury Township High School. The Dominy Memorial Library has class rosters for the early years of the High School. Lela is not listed as a graduate in the 1913 class year, or in other class years. It is possible she did not complete high school.

Roy Bennett Family Tree



According to Ancestry.com, Roy Bennett's parents were Elmer Bennett and Rebecca Lucretia Tubbs Bennett.

Elmer and Rebecca had a huge family with 11 children. Elmer Bennett was born in Long Point, Illinois.

Ancestry.com has a photograph of Rebecca Bennett:



Ancestry.com also has a baby picture of Roy Bennett:



The 1930 U.S. Census reports that the Bennett's lived on East Locust Street in Fairbury:

Name:	Elmer Bennett												
Birth Year:	abt 1874												
Gender:	Male												
Race:	White												
Birthplace:	Illinois												
Marital Status:	Married												
Relation to Head of House:	Head												
Home in 1930:	Fairbury, Livingston, Illinois												
Map of Home:	View Map												
Street address:	E. Locust												
House Number in Cities or Towns:	613												
Dwelling Number:	355												
Family Number:	364												
Home Owned or Rented:	Rented												
Home Value:	5												
Radio Set:	Yes												
Lives on Farm:	No												
Age at First Marriage:	21												
Attended School:	No												
Able to Read and Write:	Yes												
Father's Birthplace:	Pennsylvania												
Mother's Birthplace:	New Hampshire												
Able to Speak English:	Yes												
Neighbors:	View others on page												
Household Members:	<table> <tr> <th>Name</th><th>Age</th></tr> <tr> <td>Elmer Bennett</td><td>56</td></tr> <tr> <td>Rebecca Bennett</td><td>53</td></tr> <tr> <td>Roy Bennett</td><td>19</td></tr> <tr> <td>Albert Bennett</td><td>14</td></tr> <tr> <td>Frances Bennett</td><td>12</td></tr> </table>	Name	Age	Elmer Bennett	56	Rebecca Bennett	53	Roy Bennett	19	Albert Bennett	14	Frances Bennett	12
Name	Age												
Elmer Bennett	56												
Rebecca Bennett	53												
Roy Bennett	19												
Albert Bennett	14												
Frances Bennett	12												

Newspaper accounts say that Roy Bennett only attended school through the fourth grade.

Fairbury Fair

All of the citizens of Fairbury were looking forwards to the Fairbury Fair in August of 1959.

Fairbury in 1959

The Homecoming Parade of 1959 gives us an idea of life in Fairbury in 1959.



The Murder

As expected, the attack on Lela Colwell made the front page of the Fairbury Blade on August 27, 1959. The Blade story is repeated below.

August 27, 1959

Fairbury Blade

ROY BENNETT CONFESSES BRUTAL ATTACK ON LELA COLWELL ON DARK PORCH

Victim Battles for Life after Throat is Cut with Wine Bottle

A savage attack with a wine bottle left Miss Lela Colwell fighting for her life in Fairbury hospital yesterday, after she was criminally attacked by Roy Bennett, who admitted the brutal crime to States Attorney Alonzo Clay.

Miss Colwell's physician said that he felt optimistic over her condition early Wednesday morning, but that cerebral hemorrhaging from a serious contusion over the left eye had

placed her in very poor condition. In addition to severe brain damage, there were deep lacerations across most of her neck, severing all of the external veins, including the external jugulars. Some teeth were also knocked out.

There were severe contusions and lacerations of the scalp, and medical examination disclosed that she had been sexually attacked.

Bennett was picked up by Fairbury police at the scene of the crime shortly after 9 p.m. Tuesday, and after he was confined to the Fairbury jail, admitted that he followed Miss Colwell home from the Fairbury Fair and attacked her.

He was taken to the Livingston County jail Tuesday night. Yesterday, he appeared before Pontiac Justice John Silberzahn, who set his bond at \$10,000 on a charge of assault to commit murder and \$5,000 on assault to commit rape. Unable to make bond, he was held in County Jail. His case was continued for 10 days, pending Miss Colwell's condition.

DESPITE THE FEROCITY and brutality of the crime, there was no outcry. Neighbors thought that there was a drunk on Miss Colwell's porch, and were watching for her to come home from the Fair so that they could warn her that someone was on her front porch. It is thought that Bennett might have been on the porch with her for 30 minutes to an hour before the crime was discovered.

Mrs. Lloyd Zimmerman was one of the first to suspect that something was wrong at the house, when she saw an unsteady figure on the porch. She called Mr. Zimmerman, who was at the Speed Wash. After he came home, Ancle Birge, a neighbor, went for the police, and Mr. Zimmerman walked into the yard.

Before the police arrived, he saw Bennett rise up above the porch railing. It was not until Officers Ernest Walters and Alton Russell shined their light upon Bennett and Miss Colwell lying in the corner of the porch that the seriousness was evident.

She was unconscious when.....but was able to tell her physician that Bennett had followed her home from the Fair and had struck and choked her.

Bennett mumbled that she had fallen and hurt herself, and that he had come up the porch to help her.

Miss Colwell's condition worsened at noon yesterday, which was perhaps responsible for a false report that she had expired. Her condition improved slightly after this, however.

Sheriff Joe Alltop said that the crime was the most brutal since the Cox murders in Pontiac about 8 years ago, and the most sadistic for many years before that.

Yesterday, Bennett re-enacted the crime and showed where he lay in wait behind a grape arbor. He showed absolutely no remorse for his crime.

Bennett has repeatedly been arrested on charges including arson, theft, and vagrancy, and has served a number of minor jail terms, as well as much probation.

The attack was at Miss Colwell's home at Second and Ash Streets. Sheriff Joe Alltop thought that the throat injuries were caused by two "passes" with the jagged wine bottle.

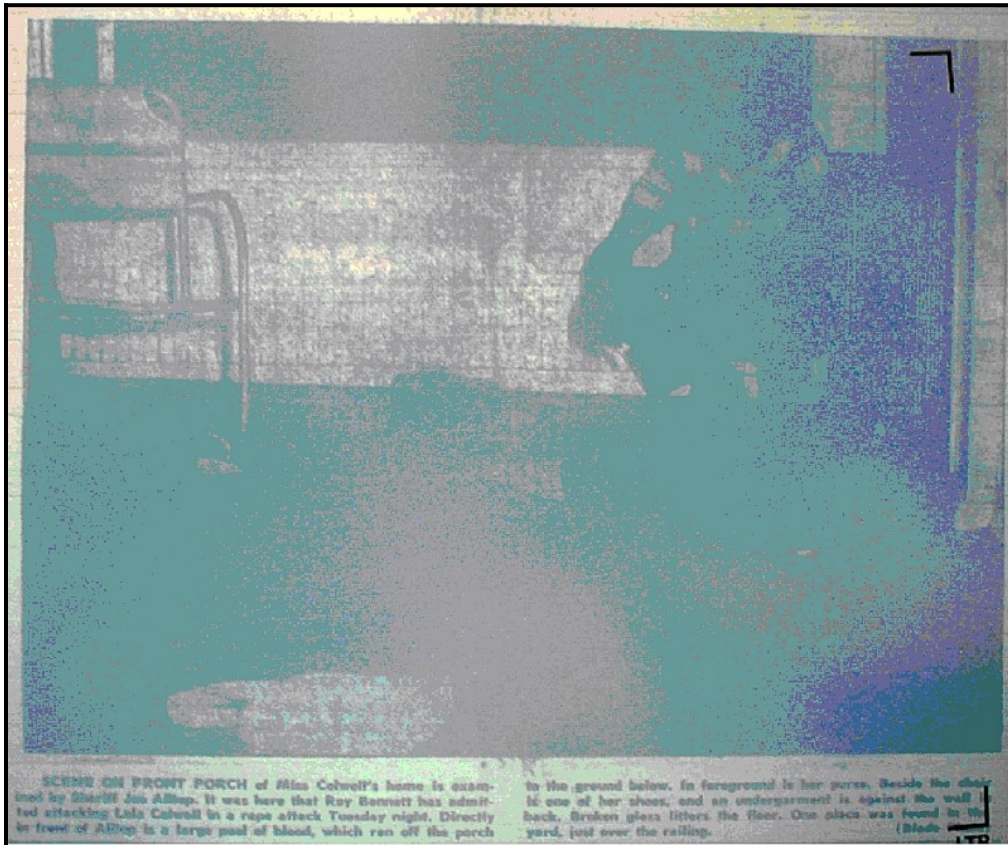
Blade Photographs

The August 27, 1959, edition also included two photographs of the crime scene. Unfortunately, these photographs are almost illegible in the Dominy Memorial Library micro-film edition of the Blade. The photographs and their captions are repeated below.



SHERIFF JOE ALLTOP POINTS to spot near tree where Roy Bennett dropped blood-covered wine bottle after he was caught on the porch of the house with Miss Lela Colwell. Bennett had top half of bottle hidden in clothing when he came down from porch, tried to drop it to the ground unnoticed, but Police Officers saw it fall to the ground. Blood was inside the neck of the bottle, which Bennett admitted attacking Miss Colwell. (Blade Photo)

porch, and tried to drop it on the ground unnoticed, but Police Officers heard it fall to the ground. Blood was inside the neck of the bottle, which was covered with gore. Police consider it to be the weapon with which Bennett admitted attacking Miss Colwell. (Blade photo)



SCENE ON FRONT PORCH of Miss Colwell's home is examined by Sheriff Joe Alltop. It was here that Roy Bennett has admitted attacking Lela Colwell in a rape attack Tuesday night. Directly in front of Alltop is a large pool of blood, which ran off the porch to the ground below. In foreground is her purse. Beside the chair is one of her shoes, and an undergarment is against the wall in back. Broken glass litters the floor. One piece was found in the yard, just over the railing.

Roy Bennett Re-Enacts the Crime for Authorities

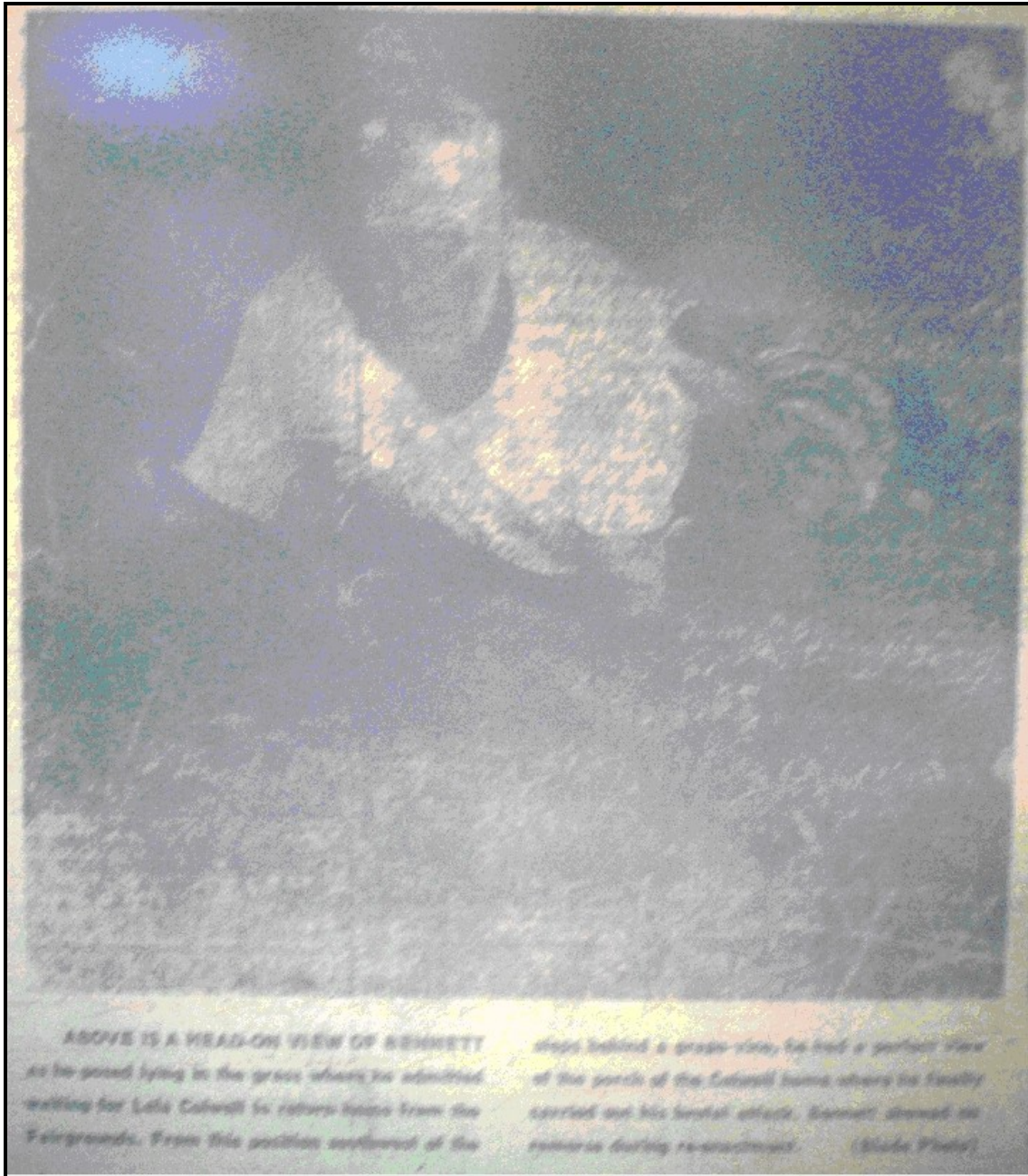
On the next day after the crime, Roy Bennett re-enacted the crime for authorities. He posed for three pictures of his re-enactment, that were printed in the September 3, 1959, issue of the Blade.



In a series of exclusive photos taken by the Blade cameraman, Roy Bennett is re-enacting the vicious attack he admitted making on Miss Lela Colwell, Fairbury, Tuesday night, Aug. 25. In the above picture Bennett is lying in the spot facing the porch steps where he waited for Miss Colwell to return home from the Fairbury Fair. Bennett re-enacted the crime in the presence of States Attorney Alonzo Clay and Sheriff Joe Alltop of Livingston County, Wednesday afternoon, Aug. 26. (Blade Photo)



Roy Bennett, confessed attacker of Lela Colwell, is shown standing beside the tree just off the porch steps, where he said he deposited the jagged and broken wine bottle with which he inflicted the terrible beating on Miss Colwell. Bennett is in Livingston County Jail where he is awaiting trial charged with assault with attempt to commit rape and assault with intent to commit murder. (Blade photo)



ABOVE IS A HEAD-ON VIEW OF BENNETT as he posed lying in the grass where he admitted waiting for Lela Colwell to return home from the Fairgrounds. From this position southwest of the steps behind a grape-vine, he had a perfect view of the porch of the Colwell house where he finally carried out his brutal attack. Bennett showed no remorse during re-enactment. (Blade Photo)

September 3, 1959 Condition of Lela Colwell

The Blade also carried an update on Lela's medical condition:

September 3, 1959

Fairbury Blade

Lela Colwell Shows Some Improvement

Miss Lela Colwell, Fairbury, who was savagely beaten and slashed across the throat with a wine bottle and criminally attacked on the front porch of her home the night of August 25th, is showing some small improvement today according to her attending physician.

It was learned that as a result of the vicious beating by Roy Bennett of Fairbury, Miss Colwell has become paralyzed on one complete side of her body. This is the result of the severe brain injury sustained in the beating. Surgery to relieve cranial pressure was performed last Thursday night by a neurological specialist from Chicago.

Bennett has been charged with assault to commit murder, and also with assault to commit rape. His bond was set at \$10,000 on the first count and \$5,000 on the second by Pontiac Justice John Silberzahn. Unable to make bond, he is being held in Livingston County Jail, pending Miss Colwell's condition.

Roy Bennett's Court Case Continued

The September 25, 1959, edition of the Blade reported that his court case had been continued.

Case Against Roy Bennett Continued

Roy Bennett, 49, Fairbury, appeared before Justice of the Peace John Silberzahn in Pontiac last Friday in connection with his brutal assault on Miss Lela Colwell, who is still in Fairbury Hospital.

Bennett's case was continued another ten days, pending Miss Colwell's condition. According to hospital reports Thursday afternoon, indications are that she at times seems to respond to treatment, but the latest bulletin again lists her condition as poor.

Meanwhile, Bennett remains in custody of Sheriff Joe Altop, at Pontiac.

Bennett's Trial Gets Started

The October 8, 1959, edition of the Blade covered the start of the court proceedings. It is repeated below:



Thursday October 8, 1959

BENNETT PLEADS GUILTY

Rejects Defense Counsel, Jury Trial; Refuses Delay

Roy Bennett, 48, Fairbury, pleaded guilty on all counts Wednesday in Livingston County Circuit Court before Judge Hubert Edwards.

Bennett is accused with assault with intent to commit murder and assault with intent to commit rape on Miss Lela Colwell of Fairbury on the night of August 25 this year. The indictment accused Bennett with brutally attacking the victim on the front porch of her home and beating her with a wine bottle.

In the assault, Miss Colwell's throat was cut and she also absorbed a terrible beating about the head. She is still in Fairbury hospital in critical condition.

BENNETT APPEARED calm and unmoved as he was brought into court and after have been advised of the charges against him, was asked if he was represented by an attorney. Upon his statement that he did not have counsel, Judge Edwards advised him that the court would appoint a public defender to act in his behalf if he wished.

The accused waived defense counsel and then was asked by the court how he plead. "Guilty", said Bennett without hesitation. The court then explained to Bennett the serious consequences of the charges and asked again if he still wished to plead guilty. His answer was "yes." Bennett also rejected a jury trial.

THE PENALTY on the first charge of assault with intent to commit murder is punishable by imprisonment in the state penitentiary for from one to 20 years. On the second count of assault with the intent to commit rape the punishment is from one to fourteen years.

Since Bennett plead guilty to both counts, he will be tried on the first charge and could be sentenced anywhere from one to twenty years.

Judge Edwards repeatedly asked Bennett if he realized the seriousness of the charges against him and again asked if he did not wish an attorney. The answer was still "no".

Bennett apparently had no thought of accepting the legal help available under the law and rejected "more time to consider all the consequences of his crime." Judge Edwards set the hearing for Friday, Oct. 9. Alonzo W. Clay, state's attorney for Livingston county is proceeding for the people.

Trial and Sentencing

The October 29, 1959, edition of the Blade had two stories on the conclusion of the trial. The first story is repeated below:



Roy Bennett Sentenced to 18-20 Years on Assault Charge Wed.

Bennett Describes Attack on Miss Colwell Aug. 25

Roy Bennett, 48, of Fairbury who admits to many minor crimes in the past, Wednesday went on trial in Circuit Court on a charge much more serious than even he appears to realize. He is charged on two counts, assault with intent to commit murder and assault with intent to commit rape. The assault took place the night of August 25 in Fairbury at the residence of Miss Lela Colwell, 55.

There have been several hearings leading up to Wednesday's session in which Bennett plead guilty all counts, James Herr, public defender, was appointed counsel for the defendant and was granted time to have Bennett examined by a psychiatrist. Funds were not available for this examination, and the case was presented to the court Wednesday without legal evidence as to the defendant's mental ability. It was pointed out in evidence that Bennett left school while attending the fifth grade.

BENNETT STATED from the witness stand that he knew the victim about 4 or 5 years and that they had met while he was collecting trash in an alley. He testified that Miss Colwell spoke to him first and that she "was friendly". In fact the victim is the only female that has ever spoken in a friendly manner with him, according to the testimony.

The defendant also stated under oath, that he began drinking wine when he was about 19 years old and on the day of the crime had consumed 3 fifths of wine and had still another on his person when he attacked her. Asked if this was the bottle he used to attack her with he answered "yes".

Bennett testified that he spent most of his time in Fairbury bars and that he had repeatedly heard patrons saying that Miss Colwell "was an easy mark for a man". This he testified, was the reason he decided to approach the victim the night of Aug. 25.

Asked if he intended to rape her that night, he answered that he intended to ask her permission. Under oath, Bennett stated that Miss Colwell's answer was "no".

Thereupon he testified he grabbed her and struggled for about 15 or 20 minutes finally throwing her to the porch floor. Bennett, under careful questioning by Judge Edwards, described in detail the sexual attack on Miss Colwell, in language which would be offensive to many decent citizens. Asked if she was conscious at this time he replied that he did not know. He stated that he struck the victim as he "got off her".

He admitted on the witness stand that he had hit Miss Colwell "hard" with the wine bottle twice. The second time the bottle broke and he then slashed her throat twice with the jagged broken bottle. States Attorney Clay then asked Bennett if he intended to kill the victim. He answered "yes, at the time it was happening."

JUDGE HUBERT EDWARDS then had Clay place a phone call to the Fairbury office of Dr. James Langstaff, Miss Colwell's attending physician and ordered him to appear in court within 45 minutes. Immediately upon arriving in the courtroom, Langstaff was placed on the witness stand and he testified as to the victim's condition the night of the attack and also at present.

He stated that when he first saw Miss Colwell the night of the attack she "was near death" and that her condition has not changed a great deal since then. She would not live today without intravenous feedings as she is unable to feed herself in any way. She is under constant nurse's care 24 hours a day.

DR. LANGSTAFF testified that 4 of her external jugular veins were cut, and there were several deep lacerations about her head. She is today paralyzed on one complete side of her body. Judge Edwards asked the doctor if any semen had been discovered "in or about the body of the victim". The answer was "no".

Before Bennett was dismissed from the witness stand, the judge asked him if there was anything he wished to say to the court. Bennett answered "I am sorry for what I have done to the people of my town and sorry for what I did to Lela."

At this juncture court was dismissed until afternoon.

The second Blade story is repeated below and includes the sentencing phase of the trial.

Judge Edwards Sentences Fairbury Man Wed. Afternoon

Roy Bennett, 48, Fairbury, was sentenced to 18 to 20 years in the State Penitentiary at Joliet Wednesday afternoon at 2:28 p.m. Sentence was passed by Circuit Court Judge Hubert H. Edwards after several hearings in connection with his vicious and brutal attack on Miss Lela Colwell, 55, also of Fairbury.

Court convened at 10 a.m. and was recessed at 12:30 for the court to study the testimony offered in the morning session.

As the court convened at 1:30 p.m. States Attorney Alonzo Clay made his summation to the court. He asked that the court consider Bennett's many previous convictions and also

Miss Colwell's condition. He reminded the court that by reason of Dr. Langstaff's testimony the victim will in all likelihood never be any better than she is now. "In view of this," said Clay "I ask that the court sentence the defendant to the maximum penalty under the law and that he also be declared a habitual criminal so that if he is released for any reason before the completion of his sentence, he will remain under probation.

PUBLIC DEFENDER James Herr then address the court in Bennett's behalf and suggested that since the defendant led the life of an "animal" in Fairbury and had practically no support from the community either moral or social, he be committed in a mental institution for his possible rehabilitation. Herr also asked the court to consider the responsibility of the county and Fairbury to a man of this caliber and that perhaps they have neglected their duties to this derelict.

Judge Edwards then advised Bennett to stand up to the bench for sentencing. It appeared to this correspondent that for the first time since the attack, Bennett began to show some signs of apprehension. He hung his head, and with arms limply hanging at his side faced the bench. Edwards then made note of the fact that sentences are made with several basic considerations. Namely; to punish, to protect the public and to rehabilitate. He told Bennett that it was unlikely at age 48 that any sentence at this time would serve to rehabilitate him and that in view of his way of life a sentence of punishment would scarcely be in order.

There-fore "I am considering the welfare of the people of the community in passing sentence upon you. I feel that you should be restrained so that you cannot again commit such an act to any person. There -- Roy Bennett, I sentence you on the first and second counts of "Assault with Intent to commit murder" to the minimum of 18 years and the maximum of 20 years in the Illinois State Penitentiary at Joliet. I further sentence you on counts 3 and 4 "Assault with Intent to Commit rape to the minimum of 12 years and the maximum of 14 years in the same penal institution. I will leave it to the officials of the institution as to how the sentences shall be served. I presume that they will be concurrent."

This means that Bennett will serve at least 12 years before he can be considered for parole.

Death of Lela Colwell

Lela suffered for eleven months after her attack by Roy Bennett. She never left the Fairbury hospital.

The Blade covered her death and obituary.

July 14, 1960

Fairbury Blade

Attack Victim Lela Colwell Dies Here Tuesday

Miss Lela Colwell, 56, 201 West Ash Street, Fairbury, died at 11:30 p.m. Tuesday night in Fairbury Hospital from internal hemorrhaging. She had been hanging onto life

through the valiant efforts of her doctors and nurses since last August 25, when she was viciously beaten in a rape attack on her front porch of her home by Roy Bennett, 49, Fairbury.

The record books on this gruesome crime are now, at least, partially closed with Miss Colwell's passing. Bennett is serving a sentence of 18 to 20 years in Joliet State Prison. He was sentenced last October 28, in Circuit Court by Judge Hubert Edwards, deceased, on four counts. Counts one and two, which carried the 18 to 20 years sentence, were for "Assault With Intent to Commit Rape". Judge Edwards, at the time of sentencing told the court he was leaving it up to penal authorities as to how the sentences would be served. He said he presumed however, "that they be concurrent."

This means that Bennett must serve at least 12 years in the penitentiary. Up to this time, he has been a "model prisoner".

States Attorney Alonzo Clay, who prosecuted Bennett, told the Blade Wednesday morning that the "state was not sure at this time whether they would go before the Grand Jury in October seeking a murder charge or not."

The charge of murder can be brought against the prisoner, even though he is now serving a sentence, up to one year after the crime. The state has one month left to bring the charge.

Funeral services for Miss Colwell will be held Friday afternoon at 2 p.m. at the Cook Funeral Home Chapel. Rev. William Brown, pastor of the Baptist Church, will officiate. Interment will be in Graceland Cemetery.

Miss Colwell was born March 26, 1895, in Fairbury, a daughter of John and Fannie (Cumpston) Colwell. She attended Fairbury schools and lived here all her life. She had no close relatives.

Lela's House Sold at Public Auction

Less than three weeks after her death, Lela's house and goods were sold at public auction per this July 30, 1960, Pantagraph story:

Attack Victim's Home Sold at Public Auction

FAIRBURY —(PNS)— The home and household goods of the late Miss Lela Colwell were sold at public auction Friday. Cy Stiedinger was high bidder at \$5,000.

Miss Colwell died July 12 from wounds suffered last Aug. 25 in an attack at her home by Roy Bennett. He is now at Joliet Penitentiary.

Since Lela had no family left, her home and household goods were sold at public auction.

Cox Murders in Pontiac

Sheriff Joe Alltop said the murder of Lela Colwell was the most brutal since the Cox murders in Pontiac eight years before.

The July 16, 1952, edition of the Pantagraph describes the Cox murders that Sheriff Alltop referred to:

'Death by Murder' Verdict Returned In Pontiac Inquest

PONTIAC —(PNS)— A Livingston County coroner's jury returned a verdict of "death by murder" Monday night at an inquest into the deaths of Lyle Patterson and Ray Juenger, who were shot by Richard Cox in a cafe, here July 7.

The jury recommended that the case be presented to the grand jury for a murder indictment against Cox, who escaped after the shooting and still has not been found.

The jury's report stated that both "died from shock and hemorrhages as a result of wounds from bullets fired by Richard Cox."

Coroner Vernon Von Qualen of Dwight called five witnesses at the inquest.

The witnesses were Miss Betty Peterson, former wife of Cox, who was working at the cafe and was taken for an eight hour ride by Cox following the shooting; Ben Ervington, who sold Cox the gun which he used in the shooting; Earl Harmon, who left the cafe and called the police during the shooting; Mrs. Edith Peterson, the mother of Miss Peterson and a witness to the shooting and Beverly Close, another witness to the shooting.

During her testimony Miss Peterson stated that she thought Cox had deliberately taken Patterson's life. One of the motives advanced for the slaying of Patterson had been his attentions to the attractive 23 year old divorcee.

Roy Bennett

The author was unable to determine what happened to Roy Bennett after he was sent to the Joliet Penitentiary.

By law, the latest U.S. Census data available to the public is 1940. Someday, when it is available, the 1960 U.S. Census should show Roy Bennett as an inmate at the Joliet Penitentiary.

No record could be found of his death or burial.

Summary

The murder of Lela Colwell was the most brutal of all the eight murders that have occurred in Fairbury history. Roy Bennett beat her so hard with a wine bottle, that he broke the bottle. He then used the jagged edge of the broken bottle to almost decapitate Lela. She suffered in the hospital for eleven months before she died. Half of her body was paralyzed from the attack and she had to be fed intravenously.

CHAPTER 9

1996 Murder of Richard Rodriguez

Chapter Contents

Because of the relatively recent nature of this murder, only the initial story and the sentencing story from the Pantagraph will be used for this chapter.

Additional details of this murder can be easily found using Internet searches.

Initial Account of the Murder

The initial account of this murder was published in the October 10, 1996, edition of the Pantagraph newspaper. This story is repeated below:

Man slain in Fairbury; suspect surrenders at parents' home

By TONY PARKER
Pontiac bureau chief

FAIRBURY — A 30-year-old Fairbury man was shot to death early Wednesday evening, and police arrested another man. The suspect's relatives said he believed the victim had sexually assaulted two of the suspect's daughters.

Richard "Richie" Rodriguez was

dead at the scene of the 5:33 p.m. shooting just north of the intersection of Walnut and Calhoun streets in Fairbury.

Less than an hour later, police arrested Kenneth Meints, 41, of Fairbury in connection with the shooting and transported him to Pontiac for questioning, according to Meints' parents. Meints has numerous prior

criminal convictions and served prison time for burglary and felony theft.

"He (Meints) walked up to him and said 'I heard you molested my kids' and then, 'pow,' " said Kim Brown, who was standing just feet from Rodriguez when he was shot.

Brown said Meints shot Rodriguez in the head at least four times and

fled the scene in the same vehicle he drove there.

Meints then apparently went to a residence a few blocks north of the crime scene and explained to his parents what had happened.

"He said, 'I just shot Richie four times in the head because he molested Charlotte.' He couldn't take it no more," said Elmer Meints, Kenneth

Meints' father.

Police arrived at the residence about 30 to 45 minutes later and Kenneth Meints surrendered without resistance, according to his mother, Sharolyn Meints.

"He cried when he was on the ground and they were handcuffing him and said, 'How would you feel if they were your kids,' " Sharolyn

Meints said.

Fairbury Police Chief Sam Hedrick released a brief press release, but declined to answer questions Wednesday night. Authorities were not releasing the names of the man who was killed or the suspect who was taken into custody. They also were not releasing details of the

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SLAIN

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shooting or discussing possible motives.

But, Elmer and Sharolyn Meints said their son had recently learned of allegations Rodriguez had been selling drugs to his son and had sexually assaulted two of his daughters. Rodriguez also had a lengthy list of prior criminal convictions and was sentenced to prison in separate attempted burglary and marijuana delivery cases.

The parents said Kenneth Meints and Rodriguez had been friends until late August when Kenneth Meints discovered a note his 15-year-old son had left for Rodriguez indicating he would give him money from a paycheck to cover a drug transaction.

The 15-year-old also recently told his father that Rodriguez had sexually assaulted Kenneth Meints' daughter 15 years ago when she was just 8 years old, the couple said.

In addition, Sharolyn Meints said about three months ago she had noticed sores on the buttocks of her son's 3-year-old daughter.

That find was reported to officials with the Illinois Department of Children and Family Services, who immediately began an investigation, she said.

DCFS officials took the little girl for a medical examination Tuesday and doctors determined she had been sexually assaulted, Sharolyn Meints said. Kenneth Meints subsequently learned the results of the

medical exam and that DCFS officials had identified several suspects, including Rodriguez, she said.

Elmer Meints said his son had been deeply troubled by what he had learned in the past three months and earlier Wednesday had indicated he was going to seek counseling.

"It's really a shame all the way around that somebody could work someone else over so bad to cause them to do that," the suspect's father said.

The shooting occurred just off South Calhoun Street near the driveway of the Gilbert and Kim Brown residence.

The Brown couple and two of their children, Rodriguez and his girlfriend and Kenneth Meints' brother, Keith Meints, were standing near the driveway when Kenneth Meints pulled up in a car, Kim Brown said.

Kenneth Meints spent several minutes slumped over the steering wheel before he got out of the vehicle, she said. After taking a few steps he got back in the vehicle and moved it closer to the driveway before getting out a second time.

Kenneth Meints then allegedly put his arm around Rodriguez, accused him of molesting his two daughters and shot him in the head before fleeing the scene, said Kim Brown, who grabbed her children and ran in the house once the first shot was fired.

The slaying was the second in Livingston County this year, but the first in Fairbury in decades, according to longtime residents of the southeastern Livingston County community of 3,643 residents.

Kenneth Meints plead guilty and was sentenced to 23 years in prison per the September 3, 1997, edition of the Pantagraph:

Meints given 23 years in prison

Fairbury man convicted of killing a man he thought was abusing his daughter

PONTIAC — It didn't justify a lesser charge, but Kenneth Meints' belief that the Fairbury man he fatally shot had molested his daughter convinced Circuit Judge Charles Glennon to impose a near minimum first-degree murder sentence.

Meints, 42, also of Fairbury, was sentenced Tuesday to 23 years in prison, just three years more than the minimum sentence, for killing 30-year-old Richard "Richy" Rodriguez Oct. 9.

But under Illinois' truth-in-sentencing law, Meints, who was eligible for a maximum of 60 years in prison, must serve every day of the sentence behind bars. He will receive credit for 329 days already served in custody, making him eligible for parole in October 2019 at the age of 64.

Meints pleaded guilty to first-degree murder July 21, after it became apparent he would have difficulty convincing a judge or jury he was guilty of second-degree murder.

Glennon said Meints' lengthy list of prior convictions was partially offset by the fact he has not been convicted of a felony in the past 13 years.

During an often tense two-hour sentence hearing, Meints told Glennon, "I basically believe Richy molested my daughter. If I hadn't believed it, Richy would never have gotten shot. I wish it never would have happened, but it did. I can't turn back the pages."

Victim's relatives upset

Rodriguez's relatives were clearly upset by Glennon's ruling, but declined comment after the hearing.

His brother, Leroy Rodriguez of Fairbury, urged Glennon to impose the maximum 60-year sentence while reading a victim impact statement during the hearing.

"Aside from the anger, there is sadness and there are children who will never know their father," Leroy Rodriguez said. He added he often enjoyed playing horseshoes with his brother, who was engaged at the time of the slaying.

Meints' court-appointed attorney, G. Patrick Riley of Eureka, recommended the minimum term, saying, "What Kenneth Meints is telling you, while it may not be true, is what he believed.

"It didn't happen out of the clear blue sky. ... Kenny Meints had a reason for extinguishing the life of Richy Rodriguez," Riley said. "Give the man a chance to come out in the light of day and see his children."

State: Meints planned act

But Livingston County Assistant State's Attorney Janine Boggs argued Meints planned the slaying knowing Rodriguez had not molested the 3-year-old girl.

"What we have here is a vigilante murder. He was the judge, jury and executioner of Mr. Rodriguez."

Boggs relied heavily on the testimony of Shirley Miller, a young girl who witnessed the shooting while hiding behind a semitrailer parked across the street.

Miller said Meints noticed her as he returned to his car after the 5:33 p.m. shooting and said, "I know you know what I did to my kids and if you tell I'll kill you."

Boggs also called Fairbury Police Detective Jack Wiser to rebut testimony by Meints that he returned to his car to retrieve the .22-caliber semiautomatic handgun after Rodriguez ignored his questions about the molestation.

Wiser said Meints never mentioned returning to the car when he was interviewed by police just hours after the shooting. Meints told Wiser he shot Rodriguez four times and once in the back of the head after he fell to the ground and then went to his mother's home, where he drank coffee until police arrived.

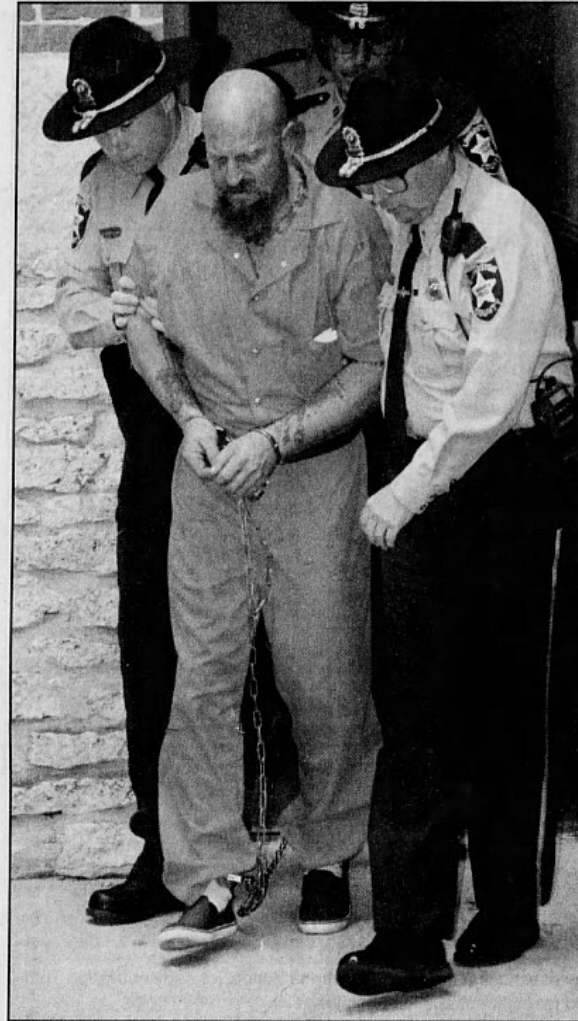
But Meints told Glennon he hadn't talked with Miller and he retrieved the gun from his car only after Rodriguez refused to talk to him about the molestation allegation.

Meints said he suspected Rodriguez because in August 1996 he caught him with the young girl's diaper off. Then the day before the shooting, Meints said, he talked

with the girl's mother and learned a doctor confirmed the girl had been molested.

Meints said he went driving around looking for Rodriguez and confronted him in the driveway of a Fairbury residence where the shooting took place.

Meints, who has previously served two prison sentences, has prior convictions for burglary, felony theft, aggravated battery, attempted rape, unlawful use of weapons, marijuana possession, disorderly conduct and resisting a peace officer.



Pantagraph file photo

Kenneth Meints was escorted by Livingston County sheriff's police officers earlier this year. The Fairbury man was sentenced Tuesday to 23 years in prison for murder in the death of Richard "Richy" Rodriguez Oct. 9.

Burial of Kenneth Meints

He is buried in the South Graceland Cemetery.



CHAPTER 10

Summary

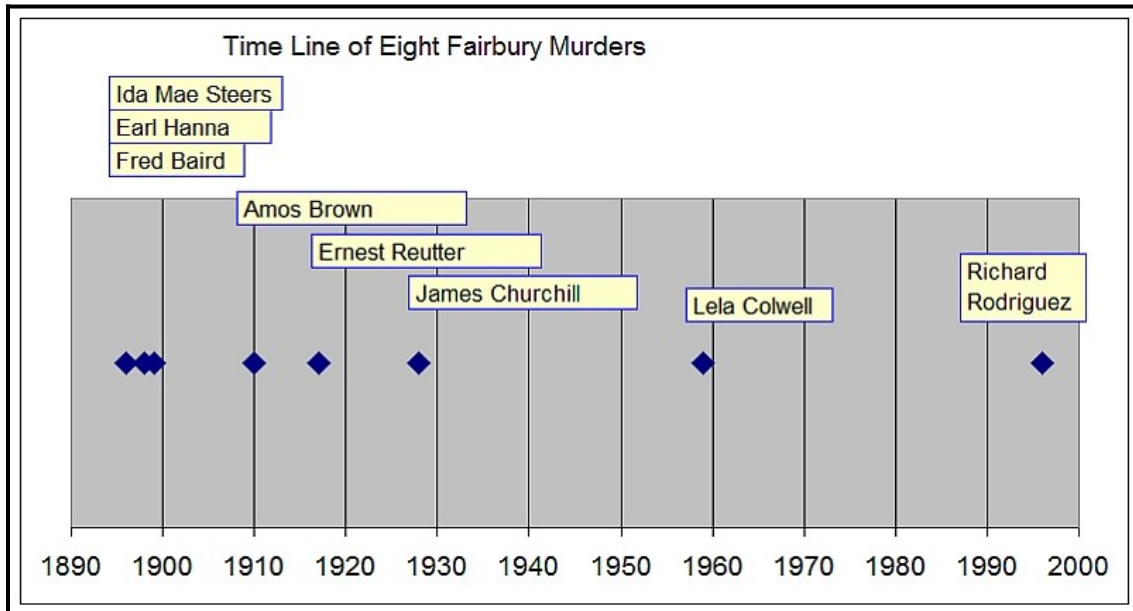
Dates and Names of the Eight Fairbury Murders

The names and dates of the eight Fairbury Murders are shown below:

Date	Name
1896	Ida Mae Steers
1898	Earl Hanna
1899	Fred Baird
1910	Amos Brown
1917	Ernest Reutter
1928	James Churchill
1959	Lela Colwell
1996	Richard Rodriguez

Murder Time Line

The time line of the eight Fairbury murders is shown below:



Six of the eight Fairbury murders occurred between 1890 and 1930. There have only been two murders since 1930 in Fairbury.

Average Years per Murder

Knowing that Fairbury was founded in 1857, we can calculate the average time between murders.

Year Founded	1857
Current Year	2015
Years of Existence	158
Total Murders	8
Years per Murder	19.75

On average, a murder has been committed every twenty years in Fairbury. But as the charts shows above, the last two murders have occurred about 30 years apart from each other.

Closing Thoughts

Fairbury was a much more dangerous place early in its history, versus the last 50 years. Since 1928, Fairbury has been a relatively safe place to live in terms of number of murders committed.

Because Fairbury is a relatively small town, many current Fairbury citizens are related to people involved with these eight murders.

References

Nicks from the Blade compiled by Alma Lewis James in 1946.

The Chicago Tribune (digital version)

The Fairbury Blade (micro-film version)

Wikipedia.org

The Pantagraph (digital version.)

Recommended Reading

Fairbury, Illinois in 1888 by Dale C. Maley

Fairbury, Illinois and the Chicago Columbian Exposition by Dale C. Maley

Nicks from the Blade compiled by Alma Lewis James in 1946.

The Chicago Tribune

The Fairbury Blade

Wikipedia.org

Web Sites

<http://www.historicfairbury.com> which is the web site of the Fairbury Echoes Museum.



Dale C. Maley

Author Spotlight

Dale C. Maley is the author of the book ***Index Mutual Funds: How to Simplify Your Financial Life and Beat the Pros.*** He was also a contributing author to Chapter 18 in the 2009 book ***The Bogleheads Guide to Retirement Planning.*** Dale is a very successful private investor who has been a student of Financial Planning and Investing for over 33 years.

He was trained as an engineer at the University of Illinois and has been a practicing engineer for 36 years. His accomplishments as an engineer include the granting of 16 U.S. Patents and authorship of over 535 professional technical papers. He is also a member of the International Society of Automotive Engineers and the Society of Manufacturing Engineers.

Dale earned an MBA (Masters Degree in Business Administration) degree from Illinois State University. Dale became a Registered Financial Advisor in the State of Illinois in 2006. He works part-time as a fee-only financial planner. He is President of Maley Financial Planning.

One of Dale's hobbies is history, including the history of Fairbury, Illinois. He has given several lectures to local Fairbury community groups about the history of Fairbury. Both Dale and his wife are 5th generation citizens of Fairbury.

Dale is a descendant of John Edward Bodley and Mary Ann Voliva. His wife is a descendant of Benjamin Hieronymus and Alvira Darnall.

Also by Dale C. Maley

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How to Invest for Retirement after the Crash of 2008

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Got My First Job and How Do I Handle the 401K?

Are Black Swans Really Harmful to Ordinary Investors?

Should My Asset Allocation Include My Pension and Social Security?

Should I Pay Off My Mortgage Early?

How Does My Asset Allocation Compare to Everyone Else?

How Do I Maximize Retirement Income From My Portfolio?

Is Saving 10% of My Gross Income Good Enough?

Contribute to My Bad 401K or Go Taxable?

Do I Need an Investment Policy Statement?

Do I Need Long-Term Care Insurance?

Do I Need Long-Term Disability Insurance?

How to Read Your Way to Financial Wealth

How Do I Select the Correct Risk Level for My Portfolio?

How Do I Estimate Retirement Living Expenses?